

House Committee on Administration of Criminal Justice

Minutes of Meeting
2023 Regular Session
May 31, 2023

I. CALL TO ORDER

Representative Joseph A. Marino, III, chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 9:11 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Joseph A. Marino, III, chairman
Representative Tony Bacala, vice chairman
Representative Marcus Anthony Bryant
Representative Kathy Edmonston
Representative Bryan Fontenot
Representative Raymond E. Garofalo, Jr.
Representative Jonathan Goudeau, I
Representative Valarie Hodges
Representative Dodie Horton
Representative Alonzo L. Knox
Representative Vanessa Caston LaFleur
Representative C. Denise Marcelle
Representative Nicholas Muscarello, Jr.
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Katie LeLeux, attorney
Zachary Gonzalez, attorney
Stephanie Weinman, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
Michael McCain, clerk

III. DISCUSSION OF LEGISLATION**Senate Bill No. 215 by Senator Barrow**

Senator Barrow presented Senate Bill No. 215, which provides justification defense to domestic violence victim-defendants.

Mary-Patricia Wray, Louisiana Survivors for Reform, 2360 Tulip St., Baton Rouge, LA 70806, (225) 395-9961, spoke in support of Senate Bill No. 215.

Beasy Taylor, Louisiana Survivors for Reform, 947 N. Bon Marche' Dr., Apt. 318, Baton Rouge, LA 70806, (504) 419-5689, spoke in support of Senate Bill No. 215.

Katherine Mattes, Tulane Law School Women's Prison Project, 6329 Freret St., New Orleans, LA 70118, (504) 554-7496, spoke for information only on Senate Bill No. 215.

On behalf of the author, Representative Marino offered a motion to voluntarily defer action on Senate Bill No. 215. Without objection, action on Senate Bill No. 215 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Horton, Knox, LaFleur, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 1 in opposition, and 7 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

Senate Bill No. 48 by Senator Morris

Senator Morris presented Senate Bill No. 48, a constitutional amendment to eliminate a judge's discretion to grant bail for certain offenses after conviction.

Stacy Rutledge, 317 McGee Rd., West Monroe, LA 71291, (318) 614-1253, spoke in support of Senate Bill No. 48.

Glenn Ansardi, Louisiana District Judges Association, 314 Woodvine Ave., Metairie, LA 70005, (504) 812-7337, spoke for information only on Senate Bill No. 48.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to Senate Bill No. 48.

Dan Claitor, 7520 Perkins Rd., Baton Rouge, LA 70808, (225) 266-7542, spoke in opposition to Senate Bill No. 48.

Representative Villio offered a motion to report Senate Bill No. 48 favorably, to which Representative Bryant objected. The administrative assistant called the roll, and Senate Bill No. 48 was reported favorably by a vote of 9 yeas and 6 nays. Representatives Bacala, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Horton, Seabaugh, and Villio voted yea. Representatives Marino, Bryant, Knox, LaFleur, Marcelle, and Muscarello voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 8 in opposition. Witness cards are included in the committee records.

Senate Bill No. 189 by Senator Jackson

Senator Jackson presented Senate Bill No. 189, which provides relative to electronic or video bingo machines and licensed premises.

On behalf of the author, Representative LaFleur offered amendments to:

- (1) Prohibit the office of charitable gaming from issuing any new license or permit after June 30, 2022, for the placement of electronic or video bingo machines within one mile from property on the National Register of Historic Places, public playgrounds, residential property, or any building used primarily as a church, synagogue, public library, or school;
- (2) Provide that the proposed law placement of electronic or video bingo machines does not apply to the following:
 - (a) Locations that are damaged or destroyed due to an act of God, natural disaster, force majeure, catastrophic event, or action by a governmental body;
 - (b) Any location licensed to conduct electronic video bingo on or before June 30, 2022; and
- (3) Define "residential property".

Representative LaFleur offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Goudeau, Hodges, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

Representative Bryant offered a motion to report Senate Bill No. 189 with amendments. Without objection, Senate Bill No. 189 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Goudeau, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

House Resolution No. 168 by Representative Seabaugh

Representative Seabaugh presented House Resolution No. 168, which creates a task force to study the effects of the Justice Reinvestment Initiative and the rise of violent crime in Louisiana.

Representative Seabaugh offered amendments to:

- (1) Add a member of the House of Representatives to the task force, appointed by the speaker from a list of names submitted by the clerks of Caddo Parish, East Baton Rouge Parish, and Orleans Parish; and
- (2) Add a member of the Senate to the task force, appointed by the president from a list of names submitted by the clerks of Caddo Parish, East Baton Rouge Parish, and Orleans Parish.

Representative Seabaugh offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

Tom Costanza, Louisiana Conference of Catholic Bishops, 2431 S. Acadian Thwy., Suite 250, Baton Rouge, LA 70802, (504) 874-7829, spoke for information only on House Resolution No. 168.

Representative Bacala in the chair.

Councilman Byron Lee, Jefferson Parish Council, P.O. Box 9, Gretna, LA 70854, (504) 452-8847, spoke for information only on House Resolution No. 168.

Bruce Reilly, Voters Organized to Educate, 4930 Washington Ave., New Orleans, LA 70125, (504) 571-9599, spoke for information only on House Resolution No. 168.

Michael Williamson, United Way of Southeast Louisiana, 2401 Canal St., New Orleans, LA 70119, (504) 957-9768, spoke for information only on House Resolution No. 168.

Twanda Laurant–Lewis, United Way of Southeast Louisiana, 2401 Canal St., New Orleans, LA 70119, (225) 938-0370, spoke for information only on House Resolution No. 168.

Stephanie Mills, Catholic Charities Archdiocese of New Orleans, 2112 St. Bernard Ave., New Orleans, 70112, (504) 310-6989, spoke for information only on House Resolution No. 168.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Resolution No. 168.

Michael Cahoon, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in opposition to House Resolution No. 168.

Sarah Whittington, Justice Accountability Center, 4035 Washington Ave., New Orleans, LA 70125, (504) 322-4050, spoke in opposition to House Resolution No. 168.

Representative Marino in the chair.

Stephanie L. Willis, ACLU of Louisiana, P.O. Box 56157, New Orleans, LA 70156, spoke in opposition to House Resolution No. 168.

Katie Hunter–Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 535-4912, spoke in opposition to House Resolution No. 168.

Representative Garofalo offered a motion to report House Resolution No. 168 with amendments, to which Representative Marcelle objected. The administrative assistant called the roll, and House Resolution No. 168 was reported with amendments by a vote of 10 yeas and 4 nays. Representatives Bacala, Edmonston, Fontenot, Garofalo, Goudeau, Horton, LaFleur, Muscarello, Seabaugh, and Villio voted yea. Representatives Marino, Bryant, Knox, and Marcelle voted nay.

Witness cards submitted by individuals who did not speak are as follows: 7 in support, 1 in opposition, and 2 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 for information only. Copies of these statements are included in the committee records.

House Resolution No. 194 by Representative Villio

Representative Villio presented House Resolution No. 194, which requests the House Committee on the Administration of Criminal Justice to study sentencing transparency.

Michael Ranatza, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, spoke in support of House Resolution No. 194.

Stephanie L. Willis, ACLU of Louisiana, P.O. Box 56157, New Orleans, LA 70156, spoke in opposition to House Resolution No. 194.

Representative Horton offered a motion to report House Resolution No. 194 favorably. Without objection, House Resolution No. 194 was reported favorably by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Fontenot, Garofalo, Goudeau, Horton, Knox, Muscarello, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support. Witness cards are included in the committee records.

House Resolution No. 174 by Representative Freeman

On behalf of the author, Representative LaFleur presented House Resolution No. 174, which creates a task force to study the educational programs in the prisons and jails of this state.

Representative LaFleur offered a motion to report House Resolution No. 174 favorably. Without objection, House Resolution No. 174 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Bacala, Fontenot, Garofalo, Goudeau, Horton, Knox, and LaFleur voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 12 in support. Witness cards are included in the committee records.

Representative Bacala in the chair.

Senate Bill No. 217 by Senator Henry

On behalf of the author, Representative Marino presented Senate Bill No. 217, which creates a state wide database for individuals convicted of child abuse/neglect.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke for information only on Senate Bill No. 217.

Further action was taken by the committee on Senate Bill No. 217 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on Senate Bill No. 217.

The committee stood at ease at 11:40 a.m. The committee reconvened at 11:54 a.m.

Representative Marino in the chair.

House Resolution No. 196 by Representative Landry

Representative Landry presented House Resolution No. 196, which recreates the Safe Alternatives to Segregation Task Force.

Representative Bacala offered a motion to report House Resolution No. 196 favorably. Without objection, House Resolution No. 196 was reported favorably by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Garofalo, Goudeau, Horton, Knox, and LaFleur voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support. Witness cards are included in the committee records.

Senate Bill No. 159 by Senator Cathey

On behalf of the author, Representative Seabaugh presented Senate Bill No. 159, which provides for the detention of seventeen year old juveniles under certain circumstances.

Kristen Rome, Louisiana Center for Children's Rights, 1101-B Milton St., New Orleans, LA 70122, (504) 658-6860, spoke in opposition to Senate Bill No. 159.

Charles Phipps, Urban League of Louisiana, 4640 S. Carrollton Ave., Ste. 210, New Orleans, LA 70119, (504) 620-2332, spoke in opposition to Senate Bill No. 159.

Ashley Hamilton, Louisiana Center for Children's Rights, 1101-B Milton St., New Orleans, LA 70122, (504) 658-6860, spoke in opposition to Senate Bill No. 159.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to Senate Bill No. 159.

Ronald Marshall, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 547-5704, spoke in opposition to Senate Bill No. 159.

Dan Claitor, Louisiana Center for Children's Rights, 7520 Perkins Rd., Baton Rouge, LA 70808, (225) 266-7542, spoke in opposition to Senate Bill No. 159.

Representative Bacala offered a motion to report Senate Bill No. 159 favorably, to which Representative LaFleur objected. The administrative assistant called the roll, and Senate Bill No. 159 was reported favorably by a vote of 9 yeas and 4 nays. Representatives Bacala, Edmonston, Garofalo, Goudeau, Hodges, Horton, Muscarello, Seabaugh, and Villio voted yea. Representatives Marino, Bryant, Knox, and LaFleur voted nay.

Witness cards submitted by individuals who did not speak are as follows: 12 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 107 by Senator Smith

Senator Smith presented Senate Bill No. 107, which provides relative to definition of first degree murder and penalties.

Remy Starns, Louisiana Public Defender Board, 301 Main St., Ste. 700, Baton Rouge, LA 70825, (225) 219-9305, spoke for information only on Senate Bill No. 107.

Loren Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on Senate Bill No. 107.

At the request of the author, Representative Marino offered a motion to voluntarily defer action on Senate Bill No. 107. Without objection, action on Senate Bill No. 107 was voluntarily deferred by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Garofalo, Horton, Knox, LaFleur, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 10 in support, 1 in opposition, and 2 for information only. Witness cards are included in the committee records.

Senate Bill No. 94 by Senator Kleinpeter

Senator Kleinpeter presented Senate Bill No. 94, which adds certain substances to the Uniform Controlled Dangerous Substance Law.

On behalf of the author, Representative Villio offered amendments to:

- (1) Repeal Act No. 231 of the 2019 R.S.;
- (2) Create the crime of unlawful sale or distribution of mitragynine speciosa to persons under 21 years of age and provide for penalties; and
- (3) Authorize local governments to enact ordinances to prohibit the sale or distribution of mitragynine speciosa or to regulate the sale or distribution of such products in a more restrictive manner than proposed law.

Representative Villio offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Garofalo, Goudeau, Horton, Knox, LaFleur, Seabaugh, and Villio voted yea. Representative Marino abstained.

Curt Bramble, 3663 N. 870 E., Provo, UT 84604, (801) 376-8297, spoke in opposition to Senate Bill No. 94.

Mac Haddow, American Kratom Association, 13575 Heathcote Blvd., Gainesville, VA 20155, (571) 294-5978, spoke in opposition to Senate Bill No. 94.

Representative Bacala in the chair.

Brennan Willeford, 824 Ave. E., Port Allen, LA 70767, (225) 317-2127, spoke in opposition to Senate Bill No. 94.

Adam Peak, Bella Sunrise Smokeshop LLC, 6010 Jones Creek Rd., Ste. D, Baton Rouge, LA 70817, (225) 939-6795, spoke in opposition to Senate Bill No. 94.

Lee-Ann Pierson, 946 Tanglebriar Dr., Baton Rouge, LA 70810, (225) 250-8249, spoke in opposition to Senate Bill No. 94.

Paul Schexnaydre, Veterans for Kratom, 1051 Traci Ave., Denham Springs, LA 70726, (225) 892-0694, spoke in opposition to Senate Bill No. 94.

Representative Marino in the chair.

Representative Villio offered a motion to report Senate Bill No. 94 with amendments. Without objection, Senate Bill No. 94 was reported with amendments by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Garofalo, Goudeau, Horton, Knox, LaFleur, Muscarello, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 3 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 3 in support and 2 in opposition. Copies of these statements are included in the committee records.

Representative Bacala in the chair.

Senate Bill No. 217 by Senator Henry

This is a continuation of the discussion on Senate Bill No. 217 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on Senate Bill No. 217.

On behalf of Senator Henry, Representative Marino presented Senate Bill No. 217, which creates a state wide database for individuals convicted of child abuse/neglect.

On behalf of the author, Representative Marino offered an amendment to change the registration from mandatory to discretionary. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Garofalo, Horton, Knox, LaFleur, Muscarello, and Villio voted yea. Representative Marino abstained.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke for information only on Senate Bill No. 217.

Loren Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on Senate Bill No. 217.

Sarah Whittington, Justice Accountability Center, 4035 Washington Ave., New Orleans, LA 70125, (504) 322-4050, spoke in opposition to Senate Bill No. 217.

Bruce Reilly, Voters Organized to Educate, 4930 Washington Ave., New Orleans, LA 70125, (504) 571-9599, spoke in opposition to Senate Bill No. 217.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to Senate Bill No. 217.

Representative Villio offered a motion to report Senate Bill No. 217 with amendments. Without objection, Senate Bill No. 217 was reported with amendments by a vote of 10 yeas and 0 nays.

Representatives Marino, Bacala, Edmonston, Garofalo, Goudeau, Horton, Knox, LaFleur, Muscarello, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in opposition. Witness cards are included in the committee records.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 1:25 p.m.

Respectfully submitted,

Chairman Joseph A. Marino, III
House Committee on Administration of Criminal Justice