

House Committee on Administration of Criminal Justice

Minutes of Meeting
2024 Regular Session
April 3, 2024

I. CALL TO ORDER

Representative Debbie Villio, chair of the House Committee on Administration of Criminal Justice, called the meeting to order at 9:31 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Debbie Villio, chair
Representative Roy Daryl Adams
Representative Tony Bacala
Representative Chad Michael Boyer
Representative Vincent E. Cox, III
Representative Bryan Fontenot
Representative Dodie Horton
Representative Alonzo L. Knox
Representative Vanessa Caston LaFleur, vice chair
Representative Patricia "Pat" Moore
Representative Joy Walters
Representative Jeffrey Fons "Jeff" Wiley

MEMBERS ABSENT:

Representative Lauren Ventrella

STAFF MEMBERS PRESENT:

Zachary Gonzalez, attorney
Stephanie Weinman, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Angela McKnight, sergeant at arms
Michael McCain, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 189 by Representative Willard

On behalf of the author, Representative Villio offered a motion to voluntarily defer action on House Bill No. 189, which provides for civilian investigators to oversee taped statements of protected persons. Without objection, action on House Bill No. 189 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

House Bill No. 391 by Representative Boyd

Representative Boyd presented House Bill No. 391, which provides relative to pardons.

Representative LaFleur offered a motion to report House Bill No. 391 favorably. Without objection, House Bill No. 391 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Villio, Adams, Bacala, Boyer, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 in support. Witness cards are included in the committee records.

The committee stood at ease at 9:35 a.m. The committee reconvened at 9:37 a.m.

House Bill No. 416 by Representative Jordan

Representative Jordan presented House Bill No. 416, which provides relative to expungement of criminal records.

On behalf of the author, Representative LaFleur offered an amendment to clarify that the expungement is "immediate" rather than "automatic". Representative LaFleur offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Villio, Adams, Bacala, Boyer, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Representative Bacala offered an amendment to provide that the provisions of present law are not applicable to the proposed law. Representative Bacala offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Villio, Adams, Bacala, Boyer, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Sarah Whittington, Justice and Accountability Center of Louisiana, 4035 Washington Ave., New Orleans, 70125, spoke in support of House Bill No. 416.

Representative LaFleur offered a motion to report House Bill No. 416 with amendments. Without objection, House Bill No. 416 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Villio, Adams, Bacala, Boyer, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 in support, 4 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 731 by Representative Taylor

Representative Taylor presented House Bill No. 731, which provides with respect to medical parole.

Syrita Steib, Operation Restoration, 1450 Poydras St., Ste. 2260, New Orleans, LA 70112, spoke in support of House Bill No. 731.

Representative Walters offered an amendment to restore present law to provide that medical parole shall not be available to any offender serving a sentence for a conviction of first degree murder or second degree murder, or an offender who is awaiting execution. Representative Walters offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Villio, Adams, Bacala, Boyer, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Ashley Crawford, Operation Restoration, 1450 Poydras St., Ste. 2260, New Orleans, LA 70112, spoke in support of House Bill No. 731.

Representative LaFleur offered a motion to voluntarily defer action on House Bill No. 731. Without objection, action on House Bill No. 731 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Villio, Adams, Bacala, Boyer, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 22 in support and 5 in opposition. Witness cards are included in the committee records.

House Bill No. 269 by Representative Muscarello

Representative Muscarello presented House Bill No. 269, which provides relative to the crime of simple escape while participating in a home incarceration program.

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

- (1) Make technical changes;
- (2) Remove the offenses of simple escape and aggravated escape from the venue provisions of present law that state that the offense is deemed to have been committed either in the parish where the offense occurred or where the victim resides;
- (3) Provide that if an offender is charged with a violation of simple or aggravated escape, the offense is deemed to have been committed in either of the following:
 - (a) The parish of the court that ordered or sentenced home incarceration, confinement, or any other legal restraint;
 - (b) The parish where any act or element occurs in violation of present law; and
- (4) Remove proposed law from the present law crime of simple escape that provides for venue dependent on where the offense occurs.

Representative Villio offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Horton, LaFleur, Moore, Walters, and Wiley voted yea.

Joseph Marino, 200 Amelia St., Gretna, LA 70053, spoke in support of House Bill No. 269.

Lieutenant Michael Dawson, Gretna Police Department Home Incarceration Program, 327 Huey P. Long Ave., Gretna, LA 70053, spoke in support of House Bill No. 269.

Jill Dennis, Assured Supervision Accountability Program, 723 S. Dupre St., New Orleans, LA 70119, spoke in support of House Bill No. 269.

On behalf of the author, Representative Villio offered an amendment to remove the condition that the home incarceration program being violated has to be under the jurisdiction and control of law enforcement of the respective parish. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Horton, Knox, LaFleur, Moore, and Wiley voted yea.

Representative Bacala offered a motion to report House Bill No. 269 with amendments. Without objection, House Bill No. 269 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Horton, Knox, LaFleur, Moore, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 8 in opposition. Witness cards are included in the committee records.

Prepared statements were received via email for House Bill No. 269 pursuant to House Rule 14.33.

House Bill No. 338 by Representative Muscarello

Representative Muscarello presented House Bill No. 338, which provides relative to mental health of inmates.

On behalf of the author, Representative Villio offered amendments in the form of a substitute bill. Representative Villio offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Villio, Adams, Bacala, Fontenot, Horton, Knox, LaFleur, Moore, and Wiley voted yea.

Lonnie Granier, Odyssey House, 1125 N. Tonti, New Orleans, LA 70119, spoke for information only on House Bill No. 338.

Representative LaFleur offered a motion to report House Bill No. 338 by substitute. Without objection, House Bill No. 338 was reported by substitute by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 21 in support and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 99 by Representative Bacala

This is a continuation of the discussion on House Bill No. 99 from an earlier meeting held on March 27, 2024. Please check for the prior action to complete the record of discussion and motions on House Bill No. 99.

Representative Bacala presented House Bill No. 99, which provides relative to contradictory bail hearings for certain persons.

Representative Bacala offered amendments to:

- (1) Make technical changes;
- (2) Require that no bail shall be set when a person is arrested for a sex offense or a felony crime of violence until a magistrate has made a determination as to whether the contradictory bail hearing requirements of proposed law apply;

- (3) Permit any magistrate with the authority to fix bail to request that the law enforcement agency having custody of the defendant provide the magistrate with the criminal history of the defendant in order to determine whether the contradictory hearing requirements apply;
- (4) Require a contradictory bail hearing prior to setting bail for a person in custody who meets any of the following criteria:
 - (a) The person is charged with the commission of a sex offense or felony crime of violence and has been previously convicted of a sex offense or felony crime of violence;
 - (b) The person is charged with the commission of a sex offense or felony crime of violence and is currently released pursuant to a bail undertaking posted before or after conviction for a sex offense or felony crime of violence; and
- (5) Define the term "felony crime of violence".

Representative Bacala offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Glenn Ansardi, Louisiana District Judges Association, 400 Royal St., New Orleans, LA 70130, spoke for information only on House Bill No. 99.

Representative Villio offered an amendment to clarify that the court is required, after determining that the contradictory bail hearing requirements apply, to order a contradictory hearing to be held within five days or as soon as practical under the circumstance after the determination, exclusive of weekends and legal holidays. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Representative Bacala offered a motion to report House Bill No. 99 with amendments, to which Representative Walters objected. The administrative assistant called the roll, and House Bill No. 99 was reported with amendments by a vote of 10 yeas and 1 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Horton, Knox, LaFleur, Moore, and Wiley voted yea. Representative Walters voted nay.

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

Prepared statements were received via email for House Bill No. 99 pursuant to House Rule 14.33.

House Bill No. 138 by Representative Schlegel

Representative Schlegel presented House Bill No. 138, which provides relative to the crime of nonconsensual disclosure of a private image.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, spoke in support of House Bill No. 138.

Representative Fontenot offered a motion to report House Bill No. 138 favorably. Without objection, House Bill No. 138 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Bacala, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

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

House Bill No. 451 by Representative Schlegel

Representative Schlegel presented House Bill No. 451, which provides relative to the crime of theft.

Representative Horton offered a motion to report House Bill No. 451 favorably. Without objection, House Bill No. 451 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 13 in opposition. Witness cards are included in the committee records.

House Bill No. 720 by Representative Schlegel

Representative Schlegel presented House Bill No. 720, which provides relative to distribution of fentanyl under certain circumstances.

Representative Horton offered a motion to report House Bill No. 720 favorably. Without objection, House Bill No. 720 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 10 in opposition. Witness cards are included in the committee records.

House Bill No. 723 by Representative Schlegel

Representative Schlegel presented House Bill No. 723, which provides relative to clemency procedures.

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

- (1) Make technical changes;
- (2) Remove provisions of proposed law relative to finality of clemency determinations;
- (3) Provide the following for an offender who has received a commuted sentence and who is released on parole or because of diminution of sentence:
 - (a) Evaluation through a validated risk assessment instrument approved by the secretary of the department;
 - (b) Approval of a residence plan prior to release, with considerations from the department on the likelihood of the offender's compliance with all of the conditions of his parole;
 - (c) Placement on supervised release for the remainder of his sentence;
 - (d) Imposition of special conditions of supervision by the committee on parole, which may include the offender's participation in additional programming as determined by the validated risk-assessment tool;
 - (e) The ability to petition the parole board for termination of the supervision; and
- (4) Require the department to secure all relevant data and assist an offender in formulating a release plan that includes any necessary conditions as determined by the department.

Representative Villio offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Bradley Wax, 20 Camden Ct., Mandeville, LA 70471, spoke in opposition to House Bill No. 723.

Representative Horton offered a motion to report House Bill No. 723 with amendments, to which Representative Walters objected. The administrative assistant called the roll, and House Bill No. 723 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Villio, Adams,

Bacala, Cox, Fontenot, Horton, LaFleur, Moore, Walters, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support, 16 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 415 by Representative Fontenot

Representative Fontenot offered a motion to voluntarily defer action on House Bill No. 415, which provides relative to the refusal to accept surrender of surety. Without objection, action on House Bill No. 415 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Villio, Adams, Bacala, Cox, Fontenot, Horton, LaFleur, Moore, Walters, and Wiley voted yea.

The committee stood at ease at 11:33 a.m. The committee reconvened at 11:46 a.m.

House Bill No. 737 by Representative Dickerson

Representative Dickerson presented House Bill No. 737, which prohibits a person from engaging in picketing at the residence or dwelling of an individual.

Checo Yancy, Voice of the Experienced, 251 Florida St., #201, Baton Rouge, LA 70801, spoke in opposition to House Bill No. 737.

Bruce Reilly, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, spoke in opposition to House Bill No. 737.

Representative Horton offered a motion to report House Bill No. 737 favorably. Without objection, House Bill No. 737 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Villio, Bacala, Boyer, Cox, Fontenot, Horton, Knox, LaFleur, Moore, Walters, and Wiley voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 in support. Witness cards are included in the committee records.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 11:59 a.m.

Respectfully submitted,

Chair Debbie Villio
House Committee on Administration of Criminal Justice