

House Committee on Administration of Criminal Justice

Minutes of Meeting
2016 Regular Session
March 30, 2016

I. CALL TO ORDER

Representative Sherman Q. Mack, chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 9:30 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Sherman Q. Mack, chairman
Representative Bryan Adams
Representative Tony Bacala
Representative John H. Bagneris
Representative Barbara W. Carpenter
Representative Stephen C. Dwight
Representative Randal L. Gaines
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Frank A. Howard
Representative Edward C. "Ted" James II
Representative Terry C. Landry, Sr.
Representative Joseph P. Lopinto III
Representative C. Denise Marcelle
Representative Barbara M. Norton
Representative Steve E. Pylant, vice chairman

STAFF MEMBERS PRESENT:

Lori Hutson, secretary
A. Gregory Riley, attorney
Michelle Fontenot, division director

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
J'nai Bayone, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 197 by Representative Pylant

Representative Pylant presented House Bill No. 197, which creates the crime of failure to properly operate a child day care center.

Erin Bendily, Louisiana Board of Elementary and Secondary Education and Louisiana Department of Education, no address provided, (225)342-3772, spoke for information only.

Representative Pylant offered an amendment to add that the Department of Education shall conduct any investigation and make determinations regarding violations of proposed law for referral to a law enforcement agency. Representative Pylant offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Denise Brou, Louisiana Department of Education, 1201 North Third Street, Baton Rouge, LA 70802, (225)342-3552, spoke for information only.

Melanie Bronfin, Louisiana Policy Institute for Children, 426 Atherton Drive, Metairie, LA 70005, (504)228-0988, spoke in support of House Bill No. 197.

Representative Marcelle offered a motion to report House Bill No. 197 with amendments. Without objection, House Bill No. 197 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 495 by Representative Moreno

Representative Moreno presented House Bill No. 495, which establishes a fee for conducting pardon investigations.

Curtis P. Fremin, Jr. Department of Public Safety and Corrections, division of probation and parole, no address provided, (225)342-6609, spoke for information only.

Natalie LaBorde, legislative liaison, Department of Public Safety and Corrections, no address provided, (337)654-6718, spoke for information only.

Representative Carpenter offered a motion to report House Bill No. 495 favorably. Without objection, House Bill No. 495 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 7 by Representative Price

Representative Price presented House Bill No. 7, which provides with respect to expungement.

On behalf of the author, Representative Mack offered an amendment to amend expungement forms to reflect proposed law. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Judge Alvin Turner, Jr., 23rd Judicial District Court, Division E, no address provided, (225)621-8500, spoke in support of House Bill No. 7.

Representative Lopinto offered an amendment to require that determination of factual innocence be a judicial determination. Representative Lopinto offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Representative Mack offered a technical amendment to change the section of law to Article 976 for the second adopted amendment regarding judicial determination. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Representative Bacala offered an amendment to require employment for 10 years to be continuous employment. Representative Bacala offered a motion to adopt the proposed amendment, to which Representative Norton objected. The secretary called the roll, and the amendment was adopted by a vote of 8 yeas and 6 nays. Representatives Adams, Bacala, Carpenter, Dwight, Gaines, Howard, Lopinto, and Pylant voted yea. Representatives Bagneris, Hazel, James, Terry Landry, Marcelle, and Norton voted nay.

Representative Pylant offered a motion to report House Bill No. 7 with amendments. Without objection, House Bill No. 7 was reported with amendments by a vote of 15 yeas and 0 nays.

Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 582 by Representative Jackson

Representative Jackson presented House Bill No. 582, which provides for the crime of aggravated assault upon a peace officer.

Jerry L. Jones, district attorney, 4th Judicial District, P.O. Box 1652, Monroe, LA 71210, (318)388-4720, spoke in support of House Bill No. 582.

Harold A. Murry, Louisiana Association of Criminal Defense Lawyers, 610 Murray Street, Alexandria, LA 71301, (318)448-000, spoke in opposition to House Bill No. 582.

A. Hayes Town, Louisiana Association of Criminal Defense Lawyers, P.O. Box 80811, Baton Rouge, LA 70802, (225)938-4208, spoke in opposition to House Bill No. 582.

Representative Pylant offered a motion to report House Bill No. 582 favorably. Without objection, House Bill No. 582 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 544 by Representative Hoffmann

Representative Hoffmann presented House Bill No. 544, which increases penalties for failure to pay child support.

Jerry L. Jones, district attorney, 4th Judicial District, P.O. Box 1652, Monroe, LA 71210, (318)388-4720, spoke in support of House Bill No. 544.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 544. Without objection, action on House Bill No. 544 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 267 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 267, which decreases criminal penalties for certain offenses involving drug paraphernalia.

Representative Marcelle offered a motion to report House Bill No. 267 favorably. Without objection, House Bill No. 267 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 304 by Representative Magee

Representative Magee presented House Bill No. 304, which provides with respect to the cost of a concealed handgun permit for veterans.

Wade Duty, Louisiana Shooting Association, P.O. Box 3841, Baton Rouge, LA 70821, (225)344-0037, spoke in support of House Bill No. 304.

Representative Dwight offered a motion to report House Bill No. 304 favorably. Without objection, House Bill No. 304 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

House Bill No. 442 by Representative Robert Johnson

Representative Robert Johnson presented House Bill No. 442, which authorizes the secretary of the Department of Public Safety and Corrections to rename the correctional facility at Cottonport, Louisiana, the "Raymond LaBorde Correctional Center".

Representative Hazel offered a motion to report House Bill No. 442 favorably. Without objection, House Bill No. 442 was reported favorably by a vote of 16 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

House Bill No. 478 by Representative Ivey

Representative Ivey presented House Bill No. 478, which provides with respect to methods of requesting expunged records by law enforcement officers.

Captain Stacey Barrett, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225)925-4935, spoke for information only.

Representative Terry Landry offered a motion to voluntarily defer action on House Bill No. 478. Without objection, action on House Bill No. 478 was voluntarily deferred by a vote of 16 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 135 by Representative Terry Landry

Representative Terry Landry presented House Bill No. 135, which provides for the reporting of information concerning persons prohibited from possessing firearms.

Representative Terry Landry offered an amendment to remove the Department of Children and Family Services from proposed law requirements. Representative Terry Landry offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 16 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Representative Marcelle offered a motion to report House Bill No. 135 with amendments. Without objection, House Bill No. 135 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 635 by Representative Hunter

Representative Hunter presented House Bill No. 635, which adds the use of unmanned aircraft systems as elements of certain crimes involving the invasion of privacy.

Representative Marcelle offered a motion to report House Bill No. 635 favorably. Without objection, House Bill No. 635 was reported favorably by a vote of 15 yeas and 0 nays.

Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

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

House Bill No. 385 by Representative Hazel

Representative Hazel presented House Bill No. 385, which creates the crime of providing a false, nonexistent, or incomplete declaration of residence for bail.

Representative Mack offered an amendment to change proposed penalty provisions to make them consistent with the crime of jumping bail. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 15 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Sarah Tirrell, East Baton Rouge District Attorney and Louisiana District Attorneys Association, 222 St. Louis Street, Baton Rouge, LA 70802, (225)389-5485, spoke in support of House Bill No. 385.

Jennifer Coco, Southern Poverty Law Center, 1055 St. Charles Ave., Ste. 505, New Orleans, LA 70130, (504)486-8982, spoke in opposition to House Bill No. 385.

Harold A. Murry, Louisiana Association of Criminal Defense Lawyers, 610 Murray Street, Alexandria, LA 71301, (318)448-000, spoke in opposition to House Bill No. 385.

A. Hayes Town, Louisiana Association of Criminal Defense Lawyers, P.O. Box 80811, Baton Rouge, LA 70802, (225)938-4208, spoke in opposition to House Bill No. 385.

Representative Hazel offered a motion to report House Bill No. 385 with amendments, to which Representative Marcelle objected. The secretary called the roll, and House Bill No. 385 was reported with amendments by a vote of 9 yeas and 5 nays. Representatives Mack, Adams, Bacala, Dwight, Hazel, Howard, Terry Landry, Lopinto, and Pylant voted yea. Representatives Bagneris, Carpenter, James, Marcelle, and Norton voted nay.

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

House Bill No. 227 by Representative Pylant

Representative Pylant presented House Bill No. 227, which provides relative to the crime of obstruction of justice.

On behalf of the author, Representative Mack offered amendments to remove proposed law elements relating to avoiding service of a subpoena and withholding information from a law enforcement agency and to amend the proposed law element relating to a person absenting himself from certain proceedings. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Dr., Baton Rouge, LA 70802-8143, spoke in support of House Bill No. 227.

Harold A. Murry, Louisiana Association of Criminal Defense Lawyers, 610 Murray Street, Alexandria, LA 71301, (318)448-000, spoke in opposition to House Bill No. 227.

A. Hayes Town, Louisiana Association of Criminal Defense Lawyers, P.O. Box 80811, Baton Rouge, LA 70802, (225)938-4208, spoke in opposition to House Bill No. 227.

Representative Pylant offered a motion to report House Bill No. 227 with amendments, to which Representative James objected. The secretary called the roll, and House Bill No. 227 was reported with amendments by a vote of 8 yeas and 5 nays. Representatives Mack, Adams, Bacala, Dwight, Hazel, Howard, Lopinto, and Pylant voted yea. Representatives Bagneris, Carpenter, James, Terry Landry, and Marcelle voted nay.

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

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:33 p.m.

Respectfully submitted,

Chairman Sherman Q. Mack
House Committee on Administration of Criminal Justice