

House Committee on Administration of Criminal Justice

Minutes of Meeting
2016 Regular Session
April 7, 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 9:31 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
Kelly C. Fogleman, attorney

ADDITIONAL ATTENDEES PRESENT:

Victoria Langston, clerk
Myrtis Jarrell, sergeant at arms
Janet Anthony, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 18 by Representative Armes**

On behalf of Representative Armes, Representative Mack offered a motion to voluntarily defer action on House Bill No. 18, which provides relative to concealed carry permits for veterans. Without objection, action on House Bill No. 18 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 223 by Representative Terry Landry

On behalf of Representative Terry Landry, Representative Mack offered a motion to voluntarily defer action on House Bill No. 223, which provides with respect to illegal carrying of weapons. Without objection, action on House Bill No. 223 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 255 by Representative Horton

On behalf of Representative Horton, Representative Mack offered a motion to voluntarily defer action on House Bill No. 255, which provides with respect to eligibility requirements for concealed carry permits. Without objection, action on House Bill No. 255 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 800 by Representative Lance Harris

On behalf of Representative Lance Harris, Representative Mack offered a motion to voluntarily defer action on House Bill No. 800, which prohibits sex offenders from conducting sales door-to-door. Without objection, action on House Bill No. 800 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 811 by Representative Armes

On behalf of Representative Armes, Representative Mack offered a motion to voluntarily defer action on House Bill No. 811, which prohibits and provides criminal penalties for the use of unmanned aircraft in certain areas and for certain purposes. Without objection, action on House Bill No. 811 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 546 by Representative Hunter

This is a continuation of the discussion on House Bill No. 546 from a meeting held on April 6, 2016. Please check for the prior action to complete the record of discussion and motions on House Bill No. 546.

Representative Hunter presented House Bill No. 546, which creates the crime of homestead exemption fraud.

Representative Mack offered amendments to change the penalty provisions to make proposed law a misdemeanor offense with imprisonment of not more than six months, a fine of not more than \$500, or both, and to add restitution provisions. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Representative Adams offered a motion to report House Bill No. 546 with amendments. Without objection, House Bill No. 546 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Howard, Terry Landry, 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. 818 by Representative Mack

Representative Mack presented House Bill No. 818, which amends provisions of law regarding the provision of indigent defense services. He presented a substitute bill for House Bill No. 818, which provides with respect to indigent defense.

Hugo Holland, Louisiana District Attorneys Association, no address provided, (318)377-7557, spoke in support of House Bill No. 818.

Robert S. Noel, Jr. 2501 Evangeline St., Monroe, LA 71201, (318)388-1700, spoke in support of House Bill No. 818.

Reggie McIntyre, 21st District public defender, 301 E. Oak, Amite, LA 70422, (985)320-5373, spoke in support of House Bill No. 818.

Representative Pylant offered an amendment to the substitute bill to provide for a mandatory minimum of 65%. Representative Pylant offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Dwight, Hazel, Howard, James, Lopinto, Marcelle, Norton, and Pylant voted yea.

Kerry Cuccia, Capital Defense Project, 3801 Canal St., Ste. 406, New Orleans, LA 70119, (504)595-8964, spoke in opposition to House Bill No. 818.

Bruce E. Unangst, II, 18668 Lake Harbor Lane, Prairieville, LA 70769, (225)603-9285, spoke in opposition to House Bill No. 818.

Harold Murry, Louisiana Criminal Defense Lawyers Association, 610 Murray St., Alexandria, LA 72031, (318)448-0000, spoke in opposition to House Bill No. 818.

Sean Collins, 17505 Jefferson Hwy., Apt. 1603, Baton Rouge, LA 70897, (225)389-1475, spoke in opposition to House Bill No. 818.

John DiGiulio, attorney, 8075 Jefferson Hwy., Baton Rouge, LA 70806, (225)383-9703, spoke in opposition to House Bill No. 818.

Derwyn Bunton, Orleans Public Defenders, 2601 Tulane Ave., Ste. 700, New Orleans, LA 70119, (504)224-0958, spoke in opposition to House Bill No. 818.

Representative Marcelle offered a motion to report House Bill No. 818 by substitute, to which Representative James objected. The secretary called the roll, and House Bill No. 818 was reported by substitute by a vote of 10 yeas and 2 nays. Representatives Mack, Bacala, Dwight, Hazel, Hodges, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea. Representatives Bagneris and James voted nay.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 13 in opposition, and 9 for information only. Witness cards are included in the committee records.

House Bill No. 142 by Representative Miguez

Representative Miguez presented House Bill No. 142, which provides with respect to eligibility requirement for concealed carry permits.

On behalf of the author, Representative Mack offered an amendment to add a requirement that at least ten years have elapsed since the completion of the applicant's probation, parole, or suspension of sentence. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Representative Dodie Horton, District 9, 1864 Sparrow Ridge, Haughton, LA 71037, (318)773-8449, spoke in support of House Bill No. 142.

Corey Lance, 820 West McKinley Ave., Haughton, LA 71037, (318)464-5623, spoke in support of House Bill No. 142.

Adrienne Wheeler, Justice and Accountability Center, 4035 Washington Ave., Ste. 203, New Orleans, LA 70125, (504)322-4050, spoke in support of House Bill No. 142.

Representative Pylant offered a motion to report House Bill No. 142 with amendments. Without objection, House Bill No. 142 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 18 in support. Witness cards are included in the committee records.

House Bill No. 690 by Representative Jackson

On behalf of Representative Jackson, Representative Mack offered a motion to voluntarily defer action on House Bill No. 690, which creates a presumption in favor of parole eligibility. Without objection, action on House Bill No. 690 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 691 by Representative Jackson

On behalf of Representative Jackson, Representative Mack offered a motion to voluntarily defer action on House Bill No. 691, which changes the number of votes required to grant parole. Without objection, action on House Bill No. 691 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 802 by Representative Jackson

On behalf of Representative Jackson, Representative Mack offered a motion to voluntarily defer action on House Bill No. 802, which creates a procedure for designating certain crimes in the court minutes as a crime of violence and provides relative to the benefits and restrictions based on such designation. Without objection, action on House Bill No. 802 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 931 by Representative White

Representative White presented House Bill No. 931, which amends provisions of law regarding domestic abuse battery.

Representative Mack offered amendments to add definitions of domestic abuse and coercive control. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Kim Sport, United Way of Southeast Louisiana, 2515 Canal St., New Orleans, LA 70119, (504)453-3313, spoke in support of House Bill No. 931.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 931. Without objection, action on House Bill No. 931 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, 1 in opposition, and 1 for information only. Witness cards are included in the committee records.

Further action was taken by the committee on House Bill No. 931 at a meeting held on April 20, 2016. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 931.

House Bill No. 693 by Representative Jimmy Harris

Representative Jimmy Harris presented House Bill No. 693, which expands firearm free zones.

On behalf of the author, Representative Mack offered an amendment to add an exception for certified living historians. Representative Mack 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,

Bacala, Bagneris, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Suchitra J. Sapatahi, City of New Orleans, 1300 Perdido, New Orleans, LA 70112, (504)658-4900, spoke in support of House Bill No. 693.

Paul M. Noel, City of New Orleans, 715 South Broad, New Orleans, LA 70115, (504)821-2222, spoke for information only on House Bill No. 693.

Representative Mack offered an amendment to provide that the definition of "public park, playground, or recreational facility" excludes state parks and wildlife management areas. 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, Bacala, Bagneris, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Tara Mica, National Rifle Association, 12405 Von Herff Ct., Austin, TX 78732, (512)636-9314, spoke in opposition to House Bill No. 693.

Professor Maurice Franks, P.O. Box 281, Baton Rouge, LA 70821, (225)778-6910, spoke in opposition to House Bill No. 693.

Calvin Alexander, Jr., legislative advocate, Home Defense Foundation, 603 Caffin Ave., New Orleans, LA 70117, (504)701-5519, spoke in opposition to House Bill No. 693.

Representative Terry Landry offered an amendment to add an exception for concealed handgun permit holders. Representative Terry Landry 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, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Representative Bagneris offered a motion to report House Bill No. 693 with amendments, to which Representative Lopinto objected. The secretary called the roll, and House Bill No. 693 was reported with amendments by a vote of 8 yeas and 6 nays. Representatives Bagneris, Carpenter, Dwight, Gaines, James, Terry Landry, Marcelle, and Norton voted yea. Representatives Bacala, Hazel, Hodges, Howard, Lopinto, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, and 14 in opposition. Witness cards are included in the committee records.

House Bill No. 121 by Representative Hodges

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 121, which creates the crime of wrongful exclusion of concealed handgun permit holders. Without objection, action on House Bill No. 121 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

House Bill No. 926 by Representative Dwight

Representative Dwight presented House Bill No. 926, which increases penalties for distribution of heroin that contains fentanyl or any derivative thereof.

John DeRosier, district attorney, Calcasieu Parish, P.O. Box 3206, Lake Charles, LA 70602-3206, (337)437-3405, spoke in support of House Bill No. 926.

Representative Dwight offered amendments to decrease the penalty for first offense from a maximum of 99 years to 50 years and to decrease the penalty for a second or subsequent offense from life imprisonment to not less than 30 years nor more than 99 years. Representative Dwight offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hodges, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Representative James offered a motion to report House Bill No. 926 with amendments. Without objection, House Bill No. 926 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, James, Terry Landry, Lopinto, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 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 12:51 p.m.

Respectfully submitted,

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