

House Committee on Administration of Criminal Justice

Minutes of Meeting
2016 Regular Session
April 27, 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 9:29 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 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 C. Denise Marcelle
Representative Barbara M. Norton
Representative Steve E. Pylant, vice chairman

MEMBERS ABSENT:

Representative Bryan Adams
Representative Joseph P. Lopinto III

STAFF MEMBERS PRESENT:

Lori Hutson, secretary
A. Gregory Riley, attorney
Kelly C. Fogleman, attorney

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION**House Bill No. 182 by Representative Foil**

Representative Foil presented House Bill No. 182, which provides for penalties for possession of alcoholic beverages by persons under the age of 21 years.

On behalf of the author, Representative Hazel offered amendments to add language providing that a citation issued by a law enforcement officer for a violation of this present law offense of underage possession of an alcoholic beverage shall not be included on the person's criminal history record and to delete the provision which would have required 17 year olds to be subject to juvenile court jurisdiction for a violation of this present law offense. Representative Hazel 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, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Marcelle, Norton, and Pylant voted yea.

Representative Marcelle offered a motion to report House Bill No. 182 with amendments. Without objection, House Bill No. 182 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, 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. 983 by Representative Garofalo

Representative Garofalo presented House Bill No. 983, which provides with respect to Medicaid fraud.

Representative Mack offered an amendment to add that owners, members, shareholders, directors, or partners of any closely held corporation or other business entity shall also be personally liable for the amount of the fine ordered by the court. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Representative Hazel offered a motion to report House Bill No. 983 with amendments. Without objection, House Bill No. 983 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Norton, and Pylant voted yea.

House Bill No. 639 by Representative Richard

Representative Richard presented House Bill No. 639, which provides for blood testing of a caretaker when an infant death occurs.

Dr. John King, coroner of Lafourche, 123 Texas Ave., Raceland, LA 70394, (985)209-4141, spoke for information only on House Bill No. 639.

Representative Bacala offered a motion to voluntarily defer action on House Bill No. 639, to which Representative Terry Landry objected. Representative Terry Landry offered a substitute motion to involuntarily defer action on House Bill No. 639, to which Representative Bacala objected. The secretary called the roll, and action on House Bill No. 639 was involuntarily deferred by a vote of 9 yeas and 2 nays. Representatives Bagneris, Carpenter, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea. Representatives Bacala and Dwight voted nay.

Witness cards submitted by individuals who did not speak area as follows: 2 in support, 3 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 69 by Representative Bagneris

Representative Bagneris offered a motion to voluntarily defer action on House Bill No. 69, which creates the crime of illegally purchasing or selling a firearm. Without objection, action on House Bill No. 69 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

House Bill No. 990 by Representative Pylant

Representative Pylant presented House Bill No. 990, which provides with respect to correctional facilities.

Representative Bacala offered a motion to report House Bill No. 990 favorably. Without objection, House Bill No. 990 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

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

House Bill No. 994 by Representative Pylant

Representative Pylant presented House Bill No. 994, which provides relative to contracts for additional housing for individuals in the custody of the Department of Public Safety and Corrections.

Representative Bacala offered a motion to report House Bill No. 994 favorably. Without objection, House Bill No. 994 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

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

House Bill No. 101 by Representative Norton

Representative Norton presented House Bill No. 101, which will create the crime of operation of an unsafe motion picture theater. She provided a video and hand-out to the committee members, included in this file as Exhibit "A", of newscasts related to the shooting incident in a Lafayette theater on July 23, 2015.

Representative Terry Landry offered an amendment to exempt concealed carry permit holders. Representative Terry Landry offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Representative Bacala offered a motion to involuntarily defer action on House Bill No. 101, to which Representative Terry Landry objected. The secretary called the roll, and action on House Bill No. 101 was involuntarily deferred by a vote of 6 yeas and 5 nays. Representatives Bacala, Dwight, Hazel, Hodges, Howard, and Pylant voted yea. Representatives Bagneris, Carpenter, James, Terry Landry, and Norton voted nay.

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

House Concurrent Resolution No. 69 by Representative Leger

On behalf of Representative Leger, Representative Terry Landry presented House Concurrent Resolution No. 69, which continues the Louisiana Justice Reinvestment Task Force to develop certain sentencing and corrections policy recommendations.

On behalf of the author, Representative Mack offered an amendment to change the date on which the report of the task force is due from March 1, 2018 to March 1, 2017. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Representative Terry Landry offered a motion to report House Concurrent Resolution No. 69 with amendments. Without objection, House Concurrent Resolution No. 69 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

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

House Bill No. 176 by Representative Hodges

Representative Hodges presented House Bill No. 176, which authorizes persons obtaining a protective order to carry a concealed handgun without a permit for a limited period of time.

Representative Hodges offered an amendment in the form of a substitute bill to provide for the issuance of a temporary concealed handgun permit to persons who have obtained a protective order to prevent abuse. Representative Hodges offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Barret Kendrick, Louisiana Shooting Association, no address provided, Covington, LA (985)892-4119, spoke in support of House Bill No. 176.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225)343-8402, spoke in support of House Bill No. 176.

Tara Mica, National Rifle Association, 12405 Von Herff Ct., Austin, TX 78732, (512)636-9314, spoke in support of House Bill No. 176.

Representative Terry Landry offered an amendment to provide for background checks. Representative Terry Landry offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Norton, and Pylant voted yea.

Captain Greg Graphia, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225)925-4236, spoke for information only.

Representative Bacala offered an amendment to waive the \$25 fee for protective orders. Representative Bacala offered a motion to adopt the proposed amendment, to which Representative Terry Landry objected. The secretary called the roll, and the amendment was adopted by a vote of 6 yeas and 5 nays. Representatives Bacala, Dwight, Hazel, Hodges, Howard, and Pylant voted yea. Representatives Bagneris, Carpenter, Gaines, Terry Landry, and Marcelle voted nay.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 176. Without objection, action on House Bill No. 176 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 11 in opposition. Witness cards are included in the committee records.

Further action was taken by the committee on House Bill No. 176 at a meeting held on May 3, 2016. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 176.

House Bill No. 962 by Representative Smith

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 962, which provides relative to a registry of persons convicted of certain domestic violence offenses. Without objection, action on House Bill No. 962 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

House Bill No. 1018 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 1018, which provides relative to the authority of a justice of the peace.

Donna Nassar, 33 Shadow Ln., Destrehan, LA 70047, (985)764-8424, spoke in support of House Bill No. 1018.

Cindy Bishop, Louisiana Justices of the Peace and Constables Association, P.O. Box 80053, Baton Rouge, LA 70802, (225)923-1599, spoke in opposition to House Bill No. 1018.

Connie G. Moore, president, Louisiana Justices of the Peace and Constables Association, 73477 Tammy Lane, Covington, LA 70435, (985)892-4486, spoke in opposition to House Bill No. 1018.

Buddy Caldwell, former Louisiana state attorney general and former district attorney, P. O. Box 43, Baton Rouge, LA 70802, (318)574-2106, spoke in opposition to House Bill No. 1018.

Representative Terry Landry offered a motion to involuntarily defer action on House Bill No. 1018. Without objection, action on House Bill No. 1018 was involuntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hodges, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in opposition. 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 12:00 p.m.

Respectfully submitted,

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