

House Committee on Judiciary

Minutes of Meeting
2016 Regular Session
March 24, 2016

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:31 a.m. in Room 1, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Katrina R. Jackson, chairman
Representative Bryan Adams
Representative John H. Bagneris
Representative Chad Brown
Representative Gary M. Carter, Jr.
Representative Robby Carter
Representative Jean-Paul P. Coussan
Representative Randal L. Gaines
Representative Jimmy Harris
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Mike Johnson, vice chair
Representative Robert A. Johnson
Representative Christopher J. Leopold
Representative John C. "Jay" Morris, III
Representative Robert E. Shadoin

MEMBERS ABSENT:

Representative Joseph P. Lopinto III
Representative Tanner D. Magee

STAFF MEMBERS PRESENT:

Michelle D. Fontenot, legal division director
Lisha Landry, attorney
Greg Riley, attorney

Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Victoria Langston, clerk
J'Nai Bayone, clerk
Beverly Vincent, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 31 by Representative Shadoin

Representative Shadoin offered a motion to voluntarily defer action on House Bill No. 31, which establishes a legal holiday in Union Parish. Without objection, action on House Bill No. 31 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Jay Morris, and Shadoin voted yea.

House Bill No. 92 by Representative James

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 92, which repeals the warrant recall fees collected to fund a misdemeanor jail in East Baton Rouge Parish. Without objection, action on House Bill No. 92 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Jay Morris, and Shadoin voted yea.

House Bill No. 28 by Representative Terry Brown

Representative Terry Brown presented House Bill No. 28, which establishes a legal holiday in Grant Parish.

Representative Hazel offered a motion to report House Bill No. 28 favorably. Without objection, House Bill No. 28 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Jay Morris, and Shadoin voted yea.

House Bill No. 624 by Representative Moreno

Representative Moreno presented House Bill No. 624, which provides with respect to the reporting of certain judicial proceedings regarding the possession of firearms.

Beth Meeks, Louisiana Coalition Against Domestic Violence, 1763 Physicians Park Dr., Baton Rouge, LA 70816, (225) 454-5000, testified in support of House Bill No. 624.

Representative Jackson offered a motion to report House Bill No. 624 favorably. Without objection, House Bill No. 624 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Jay Morris, and Shadoin voted yea.

House Bill No. 427 by Representative Broadwater

Representative Broadwater presented House Bill No. 427, which provides with respect to the use of the judicial building fund for city courts.

Representative Adams offered a motion to report House Bill No. 427 favorably. Without objection, House Bill No. 427 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Jay Morris, and Shadoin voted yea.

House Bill No. 130 by Representative Broadwater

Representative Broadwater presented House Bill No. 130, which provides for the disposal of certain misdemeanor records.

Representative Robby Carter offered a motion to report House Bill No. 130 favorably. Without objection, House Bill No. 130 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, and Shadoin voted yea.

House Bill No. 659 by Representative James

Representative James presented House Bill No. 659, which provides with respect to court costs.

Rodney Braxton, Navient, 543 Spanish Town Rd., Baton Rouge, LA 70802, (225) 381-0166, testified in support of House Bill No. 659.

(Further action was taken by the committee on House Bill No. 659 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 659.)

House Bill No. 224 by Representative Leger

Representative Leger presented House Bill No. 224, which provides with respect to court costs collected on civil filings to fund the Judicial College.

Representative Jay Morris offered a motion to report House Bill No. 224 favorably. Without objection, House Bill No. 224 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Gaines, Jimmy Harris, Hazel, Hodges, Mike Johnson, Robert Johnson, Jay Morris, and Shadoin voted yeas.

House Bill No. 116 by Representative Carmody

Representative Carmody presented House Bill No. 116, which requires each constable in Caddo Parish to report information relative to its deputy constable to the sheriff.

Representative Jackson offered amendments to specify that the report is due on or before August 1st of each year and add an emergency effective date. Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Mike Johnson, Robert Johnson, Jay Morris, and Shadoin voted yeas.

Representative Jackson offered a motion to report House Bill No. 116 with amendments. Without objection, House Bill No. 116 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Mike Johnson, Robert Johnson, Jay Morris, and Shadoin voted yeas.

House Bill No. 347 by Representative Danahay

Representative Danahay presented House Bill No. 347, which authorizes certain district courts to establish reentry courts.

Representative Jackson offered an amendment to add the 21st Judicial District Court to the list of district courts that may assign a reentry division of court. Representative Jackson offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 16 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Mike Johnson, Robert Johnson, Leopold, Jay Morris, and Shadoin voted yeas.

Judge Bob Morrison, Louisiana District Judges Association, P.O. Box 788, Amite, LA 70422, (985) 748-9445, testified in support of House Bill No. 347.

Representative Adams offered a motion to report House Bill No. 347 with amendments. Without objection, House Bill No. 347 was reported with amendments by a vote of 16 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Mike Johnson, Robert Johnson, Leopold, Jay Morris, and Shadoin 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. 331 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 331, which provides with respect to facsimile filings.

Representative Jackson offered a motion to report House Bill No. 331 favorably. Without objection, House Bill No. 331 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Jay Morris, and Shadoin 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.

Representative Mike Johnson in chair.

House Bill No. 744 by Representative Jackson

Representative Jackson presented House Bill No. 744, which authorizes the attorney general to issue a civil investigative demand prior to the commencement of a civil proceeding for the production of documents relevant to an investigation.

Renee Free, director of public protection division, and Mike Dupree, deputy director of public protection division, Louisiana Department of Justice, Livingston Bldg., 1885 N. 3rd St., Baton Rouge, LA 70802, (225) 326-6451, testified in support of House Bill No. 744.

Representative Jackson offered a motion to voluntarily defer action on House Bill No. 744. Without objection, action on House Bill No. 744 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, and Jay Morris voted yea.

House Bill No. 692 by Representative Jackson

Representative Jackson presented House Bill No. 692, which provides exemptions to citizenship and residency requirements for certain alcohol beverage permits.

Ryan Haynie, representing Glazers of Louisiana, P.O. Box 44032, Baton Rouge, LA 70802, (225) 336-4143, testified in support of House Bill No. 692.

Representative Jackson offered a motion to report House Bill No. 692 favorably. Without objection, House Bill No. 692 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Mike Johnson, Leopold, and Jay Morris voted yea.

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

House Bill No. 548 by Representative Jackson

Representative Jackson presented House Bill No. 548, which adds the creation of a reentry court in the 4th JDC.

Representative Robby Carter offered a motion to report House Bill No. 548 favorably. Without objection, House Bill No. 548 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Mike Johnson, Leopold, and Jay Morris 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.

Chairman Jackson in chair.

House Bill No. 659 by Representative James

(This is a continuation of the discussion on House Bill No. 659 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 659.)

Representative James presented House Bill No. 659, which provides with respect to court costs.

Representative Jackson offered amendments which:

- (1) Remove proposed law provisions regarding the 25% processing fee on fines, forfeitures, penalties, or costs paid by credit card or electronic check, and reinstates the present law 5% fee.
- (2) Provide that if fines, forfeitures, penalties, or costs are overdue, a private collection agency may charge a collection fee not to exceed 25% of the balance owed.

Representative Jackson offered a motion to adopt the proposed Amendments Nos. 1 and 2. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Hazel, Mike Johnson, Robert Johnson, Leopold, and Jay Morris voted yea.

Representative Gary Carter offered a motion to report House Bill No. 659 with amendments. Without objection, House Bill No. 659 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Hazel, Mike Johnson, Robert Johnson, Leopold, and Jay Morris voted yea.

House Bill No. 44 by Representative Stokes

Representative Stokes presented House Bill No. 44, which provides relative to the mayor's court for the city of Kenner.

Representative Robby Carter offered a motion to report House Bill No. 44 favorably. Without objection, House Bill No. 44 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Hazel, Mike Johnson, Robert Johnson, Leopold, and Jay Morris 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. 76 by Representative Havard

Representative Havard presented House Bill No. 76, which provides for the functions of jury commissions in East Feliciana Parish and West Feliciana Parish.

Representative Jackson offered a motion to voluntarily defer action on House Bill No. 76. Without objection, action on House Bill No. 76 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Hazel, Robert Johnson, Leopold, and Jay Morris voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

Chairman Jackson reminded the committee that lengthy and complicated amendments shall be requested or prepared and delivered to staff at least 24 hours in advance of the meeting.

VI. ADJOURNMENT

The meeting was adjourned at 10:51 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary