

House Committee on Judiciary

Minutes of Meeting
2016 Regular Session
April 14, 2016

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:02 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 Jean-Paul P. Coussan
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 Joseph P. Lopinto III
Representative Tanner D. Magee
Representative John C. "Jay" Morris, III
Representative Robert E. Shadoin

MEMBERS ABSENT:

Representative Robby Carter
Representative Randal L. Gaines

STAFF MEMBERS PRESENT:

Michelle D. Fontenot, legal division director
Lisha Landry, attorney
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Victoria Langston, clerk
Beverly Vincent, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 667 by Representative Reynolds**

On behalf of the author, Representative Lopinto offered a motion to voluntarily defer action on House Bill No. 667, which provides relative to distribution of alcoholic beverages. Without objection, action on House Bill No. 667 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Hazel, Mike Johnson, Robert Johnson, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

House Bill No. 720 by Representative Garofalo

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 720, which provides relative to fees by clerks of court. Without objection, action on House Bill No. 720 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Adams, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, and Magee voted yea.

House Bill No. 539 by Representative Hazel

Representative Hazel presented House Bill No. 539, which authorizes the use of human biological matter for purposes of training cadaver dogs.

Jeffery Tarver, Alexandria Fire Department, 1000 Bolton Ave., Alexandria, LA 71301, (318) 201-0775, testified in support of House Bill No. 539.

Representative Adams offered a motion to report House Bill No. 539 favorably. Without objection, House Bill No. 539 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Magee, and Jay Morris voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support. Witness cards are included in the committee records.

House Bill No. 966 by Representative Gisclair

Representative Gisclair presented House Bill No. 966, which provides relative to fees charged for burial at a state veterans cemetery.

Charlie Dirks, executive counsel, Louisiana Department of Veterans Affairs, 402 N. 5th St., Baton Rouge, LA 70802, (225) 219-5001, testified for informational purposes on House Bill No. 538.

Representative Jay Morris offered a motion to report House Bill No. 966 favorably. Without objection, House Bill No. 966 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Magee, and Jay Morris voted yea.

House Bill No. 538 by Representative Garofalo

Representative Garofalo presented House Bill No. 538, which provides relative to court reporter fees on appeal matters and transcript contracts.

Representative Leopold offered a motion to report House Bill No. 538 favorably. Without objection, House Bill No. 538 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Magee, Jay Morris, and Shadoin voted yea.

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

House Bill No. 79 by Representative Terry Brown

Representative Terry Brown presented House Bill No. 79, which provides relative to the use of certain court funds in the Thirty-Ninth Judicial District.

Brian McRae, district defender in the 39th Judicial District Court, P.O. Box 612, Mansfield, LA 71052, (318) 872-2973, testified in support of House Bill No. 79.

Representative Jackson offered a motion to report House Bill No. 79 favorably. Without objection, House Bill No. 79 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Magee, 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. 389 by Representative Jones

Representative Jones presented House Bill No. 389, which extends the territorial jurisdiction of the City Court of the town of Franklin.

Representative Jay Morris offered a motion to report House Bill No. 389 favorably. Without objection, House Bill No. 389 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Magee, Jay Morris, and Shadoin voted yea.

House Bill No. 689 by Representative Jones

Representative Jones presented House Bill No. 689, which provides relative to the city court for Morgan City.

Representative Jackson offered amendments which:

- (1) Create the Franklin Public Defender Fund Board to manage and oversee funds remitted to the Franklin Public Defender Fund, and provide for its membership.
- (2) Create the New Iberia Public Defender Fund Board to manage and oversee funds remitted to the New Iberia Public Defender Fund, and provide for its membership.
- (3) Create the Morgan City Public Defender Fund Board to manage and oversee funds remitted to the Morgan City Public Defender Fund, and provide for its membership.
- (4) Provide that 30% of funds collected by the city court of Franklin, city court of New Iberia, and city court of Morgan City shall be deposited into the proposed law funds.
- (5) Add technical amendments.

Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Magee, Jay Morris, and Shadoin voted yea.

James T. Dixon, Jr., and Tiffany Simpson, Louisiana Public Defender Board, 301 Main St., Suite 700, Baton Rouge, LA 70801, (225) 219-9305, testified for information on House Bill No. 689.

E. Pete Adams, executive director, District Attorneys Association, 1645 Nicholson Dr., Baton Rouge, LA 70802, (225) 383-2227, testified for information on House Bill No. 689.

Kyla Romanach, Louisiana Association of Criminal Defense Lawyers, 5322 Park Forest Dr., Baton Rouge, LA 70816, (225) 338-0235, testified in opposition to House Bill No. 689.

Representative Chad Brown offered a motion to report House Bill No. 689 with amendments, to which Representative Mike Johnson objected. The secretary called the roll, and House Bill No. 689 was reported with amendments by a vote of 11 yeas and 2 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Lopinto, Magee, and Shadoin voted yea. Representatives Mike Johnson and Jay Morris voted nay.

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. 358 by Representative Leger

Representative Leger presented House Bill No. 358, which provides for an extension of court costs collected by the Civil District Court for the parish of Orleans and its clerk.

Representative Jay Morris offered a motion to report House Bill No. 358 favorably. Without objection, House Bill No. 358 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Mike Johnson, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

House Bill No. 246 by Representative Adams

Representative Adams presented House Bill No. 246, which provides relative to an extension of the time period for coroners to report traffic fatalities.

Dr. William Clark, Louisiana State Coroners Association, 4030 TB Herndon Ave., Baton Rouge, LA 70807, (225) 389-3047, testified in support of House Bill No. 246.

Representative Jackson offered a motion to report House Bill No. 246 favorably. Without objection, House Bill No. 246 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Mike Johnson, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

House Bill No. 55 by Representative Dwight

Representative Dwight presented House Bill No. 55, which provides for the dismissal of certain criminal charges upon completion of the Veterans Court program.

Representative Jackson offered amendments which:

- (1) Change references from "Veterans Court probation program" to "Veterans Court program".
- (2) Specify that the defendant must waive his right to trial if accepted into the Veterans Court program.

John DeRosier, Calcasieu Parish District Attorney, P.O. Box 3206, Lake Charles, LA 70602, (337) 437-3405, testified in support of House Bill No. 55.

Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Hazel, Mike Johnson, Leopold, Lopinto, Magee, and Jay Morris voted yea.

Representative Adams offered a motion to report House Bill No. 55 with amendments. Without objection, House Bill No. 55 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Hazel, Mike Johnson, Leopold, Lopinto, Magee, and Jay Morris voted yea.

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

House Bill No. 530 by Representative Dwight

Representative Dwight presented House Bill No. 530, which amends provisions relative to group insurance premiums for retirees of the Calcasieu Parish Sheriff's Office.

Representative Magee offered a motion to report House Bill No. 530 favorably. Without objection, House Bill No. 530 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Hazel, Mike Johnson, Leopold, Lopinto, Magee, and Jay Morris voted yea.

House Bill No. 408 by Representative Hazel

Representative Hazel presented House Bill No. 408, which provides relative to persons eligible for veterans courts. He also offered a substitute bill to House Bill No. 408 to be considered by the committee.

Judge Ellen Shirer Kovach, 24th Judicial District Court, Thomas F. Donelon Courthouse, Suite 3100, Gretna, LA 70053, (504) 444-4815, representing the Louisiana District Judges Association, testified in support of the substitute bill.

Charlie Dirks, executive counsel, Louisiana Department of Veterans Affairs, 402 N. 5th St., Baton Rouge, LA 70802, (225) 219-5001, testified for informational only.

Representative Gary Carter offered a motion to report House Bill No. 408 by substitute. Without objection, House Bill No. 408 was reported by substitute by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Chad Brown, Gary Carter, Coussan, Hazel, Mike Johnson, Leopold, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

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

House Bill No. 970 by Representative Anders

Representative Anders presented House Bill No. 970, which provides relative to group insurance premiums for retirees of the Concordia Parish Sheriff's Office.

Representative Jackson offered an amendment to provide that proposed law applies to sheriffs and deputy sheriffs who are eligible for retirement on or after September 1, 2017. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Chad Brown, Gary Carter, Coussan, Hazel, Mike Johnson, Leopold, Lopinto, Jay Morris, and Shadoin voted yea.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8401, testified in support of House Bill No. 970.

Representative Shadoin offered a motion to report House Bill No. 970 with amendments. Without objection, House Bill No. 970 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Mike Johnson, Leopold, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

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

House Bill No. 827 by Representative Hilferty

On behalf of the author, Richard Ducote, attorney, 318 E. Boston St., 2nd Floor, Covington, LA 70433, (985) 898-2255, presented House Bill No. 827, which provides for public contempt proceedings.

Representative Adams offered a motion to report House Bill No. 827 favorably. Without objection, House Bill No. 827 was reported favorably by a vote of 11 yeas and 0 nays. Representatives

Jackson, Adams, Bagneris, Chad Brown, Coussan, Mike Johnson, Leopold, Lopinto, Magee, 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. 463 by Representative Billiot

On behalf of the author, Representative Magee offered a motion to voluntarily defer action on House Bill No. 463, which amends eligibility requirements to participate in the Veterans Court program. Without objection, action on House Bill No. 463 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Mike Johnson, Leopold, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

House Bill No. 773 by Representative Marcelle

On behalf of the author, Representative Bagneris offered a motion to voluntarily defer action on House Bill No. 773, which provides for court costs collected in criminal cases. Without objection, action on House Bill No. 773 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Mike Johnson, Leopold, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

House Bill No. 998 by Representative Chad Brown

Representative Chad Brown presented House Bill No. 998, which provides relative to payment of group health insurance premium costs for retirees of Assumption Parish Sheriff's Office.

Representative Chad Brown offered a motion to report House Bill No. 998 favorably. Without objection, House Bill No. 998 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Hodges, Mike Johnson, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

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

House Bill No. 183 by Representative Hunter

Representative Hunter presented House Bill No. 183, which provides for the powers and duties of the attorney general in certain officer-involved incidents.

Representative Jackson offered amendments to change "shall" to "may", so that any law enforcement agency may report the incident to district court and the court may refer the matter to the office of the

attorney general, and to remove serious bodily injury so that the bill would only apply in case of a death of an individual. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Coussan, Hazel, Hodges, Mike Johnson, Leopold, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

Representative Jackson offered a motion to voluntarily defer action on House Bill No. 183. Without objection, action on House Bill No. 183 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Hazel, Hodges, Mike Johnson, Leopold, Lopinto, Magee, and Jay Morris voted yea.

Witness cards submitted by individuals who did not speak are as follows: 17 in opposition and 2 for information only. Witness cards are included in the committee records.

(Further action was taken by the committee on House Bill No. 183 on April 21, 2016. Please check for the subsequent action to complete the record of discussion on House Bill No. 183.)

House Bill No. 268 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 268, which prohibits a clerk of court from engaging in the practice of law.

Representative Magee offered an amendment to specify that these provisions do not apply to those clerks of court who are serving as a clerk of court or elected to the office of clerk of court on or before August 1, 2016. Representative Magee offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Hazel, Hodges, Mike Johnson, Leopold, Lopinto, Magee, and Jay Morris voted yea.

Representative Lopinto offered an amendment to remove employees of the clerk of court from the bill. Representative Lopinto offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Hodges, Mike Johnson, Leopold, Lopinto, Magee, and Jay Morris voted yea.

Debbie D. Hudnall, executive director, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Bldg. A, Baton Rouge, LA 70809, (225) 293-1162, testified in opposition to House Bill No. 268.

Annette Fontana, clerk of court-elect, Lafourche Parish, 402 West 4th St., Thibodaux, LA 70301, (985) 665-1800, testified in opposition to House Bill No. 268.

Representative Jerome Richard, District 55, 907 Jackson St., Thibodaux, LA 70301, (985) 447-0999, testified in opposition to House Bill No. 268.

Representative Jay Morris offered a motion to report House Bill No. 268 with amendments, to which Representative Hazel objected. The secretary called the roll, and by a vote of 5 yeas and 7 nays, the motion failed to pass. Representatives Chad Brown, Coussan, Magee, Jay Morris, and Shadoin voted yea. Representatives Jackson, Adams, Bagneris, Hazel, Mike Johnson, Robert Johnson, and Lopinto voted nay.

Representative Lopinto offered a motion to involuntarily defer action on House Bill No. 268. Without objection, action on House Bill No. 268 was involuntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Hazel, Mike Johnson, Robert Johnson, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

House Bill No. 1123 by Representative Robert Johnson

Representative Robert Johnson offered a motion to voluntarily defer action on House Bill No. 1123, which provides for the assessment of a fee for diversion cases in the 12th JDC. Without objection, action on House Bill No. 1123 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Hazel, Mike Johnson, Robert Johnson, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

House Bill No. 124 by Representative Pugh

On behalf of the author, Representative Adams offered a motion to voluntarily defer action on House Bill No. 124, which requires certain fees collected in mayor's courts to be transmitted to fund law enforcement education and training. Without objection, action on House Bill No. 124 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Coussan, Hazel, Mike Johnson, Robert Johnson, Lopinto, Magee, Jay Morris, and Shadoin voted yea.

IV. OTHER BUSINESS

There was no other business

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:05 p.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary