

House Committee on Judiciary

Minutes of Meeting
2016 Regular Session
May 12, 2016

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 10:31 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 Robby Carter
Representative Jean-Paul P. Coussan
Representative Randal L. Gaines
Representative Jimmy Harris
Representative Lowell C. "Chris" Hazel
Representative Mike Johnson, vice chair
Representative Robert A. Johnson
Representative Christopher J. Leopold
Representative Joseph P. Lopinto III
Representative Robert E. Shadoin
Representative Jerome "Zee" Zeringue

MEMBERS ABSENT:

Representative Gary M. Carter, Jr.
Representative Valarie Hodges
Representative Tanner D. Magee
Representative John C. "Jay" Morris, III

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Victoria Langston, clerk
Faye Talbot, sergeant at arms
Vivian Hurst, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 47 by Senator Lambert**

Senator Lambert presented Senate Bill No. 47, which provides that it is the legal duty of the attorney general to represent deputy constables.

Representative Adams offered amendments which:

- (1) Allow the attorney general to decline representation of a deputy constable not in compliance with statutory requirements including the failing to file an oath of office or attend requisite training.
- (2) Allow the attorney general to recover court costs and reasonable attorney fees from a deputy constable if the court makes a determination that the deputy constable was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission or that he was acting in an intentionally wrongful manner or was grossly negligent.
- (3) Make proposed law provisions that are applicable to deputy constables apply to deputy constables serving on or before August 1, 2016.
- (4) Make technical amendments.

Representative Adams 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, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Shadoin, and Zeringue voted yea.

Representative Adams offered a motion to report Senate Bill No. 47 with amendments. Without objection, Senate Bill No. 47 was reported with amendments by a vote of 10 yeas and 0 nays.

Representatives Jackson, Adams, Bagneris, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Shadoin, and Zeringue voted yea.

House Bill No. 417 by Representative Leger

Representative Leger presented House Bill No. 417, which limits the investigation of traffic accidents by law enforcement in the Parish of Orleans.

Chief Michael S. Harrison, New Orleans Police Department, 715 S. Broad St., New Orleans, LA 70119, (504) 658-5765, testified in support of Senate Bill No. 417.

Chuck McMains, representing Property and Casualty Insurancers Association of America, 8555 United Plaza, Baton Rouge, LA 70809, (225) 248-2000, testified in opposition to Senate Bill No. 417.

Donald Price, representing Louisiana Association of Justice, 8201 Jefferson Hwy., Baton Rouge, LA 70809, (225) 929-7481, testified in opposition to Senate Bill No. 417.

Representative Leopold offered a motion to report House Bill No. 417 favorably, to which Representative Robby Carter objected. The secretary called the roll and by a vote of 5 yeas and 7 nays, the motion failed to pass. Representatives Adams, Bagneris, Jimmy Harris, Leopold, and Lopinto voted yea. Representatives Jackson, Chad Brown, Robby Carter, Gaines, Hazel, Mike Johnson, and Zeringue voted nay.

Representative Jackson offered a motion to voluntarily defer action on House Bill No. 417. Without objection, action on House Bill No. 417 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Robby Carter, Gaines, Jimmy Harris, Hazel, Mike Johnson, Leopold, Lopinto, and Zeringue voted yea.

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

Senate Concurrent Resolution No. 75 by Senator Chabert

Senator Chabert presented Senate Concurrent Resolution No. 75, which requests the Judicial Council to study the Thirty-Second Judicial District and make recommendations to the legislature regarding the creation of a minority election section.

Representative Chad Brown offered a motion to report Senate Concurrent Resolution No. 75 favorably. Without objection, Senate Concurrent Resolution No. 75 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Robby Carter, Gaines, Jimmy Harris, Mike Johnson, Lopinto, Shadoin, and Zeringue voted yea.

Senate Bill No. 215 by Senator Carter

(This is a continuation of the discussion on Senate Bill No. 215 on a prior meeting date of May 5, 2016. Please check for the prior action to complete the record of discussion and motions on Senate Bill No. 215.)

Senator Carter presented Senate Bill No. 215, which provides relative to appeals by tobacco permit holders.

Representative Robby Carter offered amendments which:

- (1) Reinstatement of present law right to a suspensive appeal of the commissioner's decision.
- (2) Add a fine of up to \$5,000 upon a finding by the court that the appeal is frivolous.
- (3) Make technical amendments.

Representative Robby Carter 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, Robby Carter, Gaines, Jimmy Harris, Mike Johnson, Lopinto, Shadoin, and Zeringue voted yea.

Representative Robby Carter offered a motion to report Senate Bill No. 215 with amendments. Without objection, Senate Bill No. 215 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Robby Carter, Gaines, Jimmy Harris, Mike Johnson, Lopinto, Shadoin, and Zeringue 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 Concurrent Resolution No. 117 by Representative Hunter

Representative Hunter presented House Concurrent Resolution No. 117, which creates a task force to study and make recommendations for law enforcement officers involved in certain incidents.

Representative Coussan offered a motion to report House Concurrent Resolution No. 117 favorably. Without objection, House Concurrent Resolution No. 117 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Robby Carter, Coussan, Gaines, Jimmy Harris, Mike Johnson, Lopinto, Shadoin, and Zeringue voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:17 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary