

House Committee on Judiciary

Minutes of Meeting
2017 Regular Session
April 27, 2017

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:12 a.m. in Room 1, in the State Capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Katrina R. Jackson, chairman
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 Christopher J. Leopold
Representative Tanner D. Magee
Representative Joseph A. Marino, III
Representative John C. "Jay" Morris, III, vice chairman
Representative Robert E. Shadoin
Representative Jerome "Zee" Zeringue

MEMBERS ABSENT:

Representative Valarie Hodges
Representative Robert A. Johnson

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Beverly Vincent, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 62 by Representative Hall**

Representative Hall presented House Bill No. 62, which provides relative to group insurance premiums for retirees of the Rapides Parish Sheriff's Office.

Representative Hazel offered a motion to report House Bill No. 62 favorably. Without objection, House Bill No. 62 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Leopold, Magee, Marino, Shadoin, and Zeringue 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. 72 by Representative Leopold

Representative Leopold presented House Bill No. 72, which provides relative to group insurance premiums of the Plaquemines Parish Sheriff's Office and distributions to the Plaquemines Parish Retired Employees' Insurance Fund.

Representative Coussan offered a motion to report House Bill No. 72 favorably. Without objection, House Bill No. 72 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Coussan, Leopold, Magee, Marino, Shadoin, and Zeringue 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. 96 by Representative Bacala

Representative Bacala presented House Bill No. 96, which provides relative to polygraph examinations of law enforcement officers while under investigation.

Sherman Jackson, Chief of Police, Gonzales Police Department, 415 E. Cornerview St., Gonzales, LA 70737, testified in support of the bill.

After a lengthy discussion, Representative Gary Carter offered a motion to voluntarily defer action on House Bill No. 96. Without objection, action on House Bill No. 96 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Leopold, Magee, Marino, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 10 in opposition. Witness cards are included in the committee records.

(Further action was taken by the committee on House Bill No. 96 on May 3, 2017. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 96.)

House Bill No. 97 by Representative Bacala

Representative Bacala presented House Bill No. 97, which provides relative to certification requirements for law enforcement officers investigating traffic fatalities.

Gary Bennett, assistant executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, testified in support of the bill.

Representative Hazel offered a motion to report House Bill No. 97 favorably. Without objection, House Bill No. 97 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 3 for information only. Witness cards are included in the committee records.

House Bill No. 126 by Representative Bacala

Representative Bacala presented House Bill No. 126, which provides relative to payment of processing fee for certain garnishment proceedings.

Lisha Landry, staff attorney, explained a set of amendments to:

- (1) Remove the provision allowing a justice of the peace to collect a 6% commission for processing of a garnishment proceeding.
- (2) Add a provision allowing the constable of a justice of the peace to receive a 6% fee for collecting money for execution of a writ of fieri facias, without either seizure or sale.

- (3) Remove the language allowing a justice of the peace to be paid a fee prior to payment to the seizing creditor.
- (4) Make technical amendments.

Representative Magee offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Shadoin, and Zeringue voted yea.

Connie G. Moore, Louisiana Justices of the Peace and Constables Association, 73477 Tammy Lane Rd., Covington, LA 70434, testified in support of the bill.

Representative Marino offered a motion to report House Bill No. 126 with amendments. Without objection, House Bill No. 126 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 114 by Representative Chad Brown

Representative Chad Brown presented House Bill No. 114, which provides relative to the sale and shipment of certain alcoholic beverages.

Lisha Landry, staff attorney, explained a set of amendments to:

- (1) Remove provisions related to package labeling requirements of sparkling or still wine for direct shipment.
- (2) Make technical amendments.

Representative Chad Brown offered the proposed amendments for adoption. Representative Chad Brown offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Shadoin, and Zeringue voted yea.

Representative Hazel offered a motion to report House Bill No. 114 with amendments. Without objection, House Bill No. 114 was reported with amendments by a vote of 12 yeas and 0 nays.

Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Shadoin, and Zeringue voted yea.

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

House Bill No. 190 by Representative Dwight

Representative Dwight presented House Bill No. 190, which provides relative to the sheriff's statement indicating the amount of time a defendant has spent in custody prior to conviction.

Representative Jimmy Harris offered a motion to report House Bill No. 190 favorably. Without objection, House Bill No. 190 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Gaines, Jimmy Harris, Magee, Marino, Shadoin, and Zeringue voted yea.

House Bill No. 309 by Representative Moreno

Representative Moreno presented House Bill No. 309, which provides relative to rights of victims of criminal offenses.

Representative Gary Carter offered a motion to report House Bill No. 309 favorably. Without objection, House Bill No. 309 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Shadoin, and Zeringue 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. 481 by Representative Jackson

Representative Jackson presented House Bill No. 481, which provides relative to law enforcement officers.

Lisha Landry, staff attorney, explained a set of amendments to:

- (1) Remove the requirement that the final disposition of formal investigations related to law enforcement misconduct be submitted to the database by law enforcement agencies.
- (2) Make technical amendments.

Representative Jackson offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, and Zeringue voted yea.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, testified in support of the bill.

Fabian Blache, Louisiana Association of Chiefs of Police, 700 N. 10th St., Baton Rouge, LA 70802, testified in support of the bill.

Lisha Landry, staff attorney, explained an amendment to add the requirement that final judgments in civil or criminal cases related to the duties of a law enforcement officer when the misconduct of that specific law enforcement officer gave rise to the cause of action be submitted to the database by law enforcement agencies.

Representative Jimmy Harris offered the proposed amendment for adoption. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Magee, Marino, Shadoin, and Zeringue voted yea.

Representative Gary Carter offered a motion to report House Bill No. 481 with amendments. Without objection, House Bill No. 481 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Magee, Marino, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 7 in opposition, and 3 for information only. Witness cards are included in the committee records.

House Bill No. 213 by Representative Jimmy Harris

Representative Jimmy Harris offered a motion to voluntarily defer action on House Bill No. 213, which provides relative to the Louisiana Uniform Law Enforcement Statewide Reporting Database. Without objection, action on House Bill No. 213 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Magee, Marino, Shadoin, and Zeringue voted yea.

House Bill No. 473 by Representative Gaines

Representative Gaines presented House Bill No. 473, which provides relative to P.O.S.T. certification of peace officers.

Lisha Landry, staff attorney, explained a set of amendments to:

- (1) Add a conviction of a misdemeanor involving domestic abuse battery as grounds for potential P.O.S.T. revocation.
- (2) Require the P.O.S.T. Council to promulgate administrative rules regarding revocation hearings no later than Jan. 1, 2018.
- (3) Allow appeals of P.O.S.T. Council revocation rulings in accordance with the Administrative Procedure Act.

Representative Gaines offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Magee, Marino, Shadoin, and Zeringue voted yea.

Representative Gaines offered a motion to report House Bill No. 473 with amendments. Without objection, House Bill No. 473 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Magee, Marino, Shadoin, and Zeringue voted yea.

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

House Bill No. 278 by Representative James

On behalf of the author, Representative Gaines offered a motion to voluntarily defer action on House Bill No. 278, which provides relative to revocation of P.O.S.T. certification. Without objection, action on House Bill No. 278 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Magee, Marino, Shadoin, and Zeringue voted yea.

House Bill No. 276 by Representative James

Representative James presented House Bill No. 276, which provides relative to law enforcement officers while under officer-involved incident investigations.

Lisha Landry, staff attorney, explained a set of amendments to:

- (1) Remove all provisions related to administrative leave with and without pay.

- (2) Allow a police employee or law enforcement officer confined to a medical facility due to injury or illness related to the officer-involved incident, or two or more officers involved in the same officer-involved incident, up to 30 days to secure representation.
- (3) Make technical amendments.

Representative Shadoin offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Representative Gary Carter offered a motion to report House Bill No. 276 with amendments. Without objection, House Bill No. 276 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue 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. 277 by Representative James

Representative James presented House Bill No. 277, which provides relative to training of peace officers.

Lisha Landry, staff attorney, explained a set of amendments to:

- (1) Remove proposed provisions related to the time period in which peace officers must successfully complete a certified training program approved by the council and pass a council-approved examination.
- (2) Remove proposed provisions related to requirements for maintaining certification for peace officers.
- (3) Make technical amendments.

Representative Jackson offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Carlton J. Miller, policy advisor, Louisiana Governor's Office, State Capitol, 4th floor, Baton Rouge, LA 70804, testified in support of the bill.

Representative Gary Carter offered a motion to report House Bill No. 277 with amendments. Without objection, House Bill No. 277 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 3 for information only. Witness cards are included in the committee records.

House Bill No. 594 by Representative James

On behalf of the author, Representative Gary Carter offered a motion to voluntarily defer action on House Bill No. 594, which requires the Louisiana State Police to investigate certain law enforcement officer-involved incidents in East Baton Rouge Parish. Without objection, action on House Bill No. 594 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

House Bill No. 138 by Representative Jones

On behalf of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 138, which provides for reentry procedures following a disaster or emergency. Without objection, action on House Bill No. 138 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

House Bill No. 216 by Representative Jones

Representative Jones presented House Bill No. 216, which provides relative to indigent defense services in certain city courts.

Cecelia Bonin, 16th Judicial District Public Defender Office, 215 W. St. Peter St., New Iberia, LA 70563, testified in opposition to the bill.

Representative Robby Carter offered a motion to report House Bill No. 216 favorably. Without objection, House Bill No. 216 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in opposition and 1 for information only. 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 11:28 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary

Date adopted: