

House Committee on Judiciary

Minutes of Meeting
2017 Regular Session
May 11, 2017

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:35 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 Robby Carter
Representative Jean-Paul P. Coussan
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 Gary M. Carter, Jr.
Representative Randal L. Gaines
Representative Valarie Hodges
Representative Robert A. Johnson

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Jordan Zeringue, clerk
Madeleine Murphy, clerk
Beverly Vincent, sergeant at arms
Danny Leming, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 99 by Representative Carpenter**

Representative Carpenter presented House Bill No. 99, which provides for fees in certain civil matters.

Lambert Boissiere, Jr., representing National Constable Association, 401 Loyola Ave., New Orleans, LA 70112, testified in support of the bill.

Reginald Brown, representing National Constable Association, 233 St. Louis St., Baton Rouge, LA 70802, testified in support of the bill.

Wince Highshaw, Jr., Monroe City Marshal, 600 Calypso St., Monroe, LA 71201, testified in support of the bill.

Representative Jackson offered a motion to voluntarily defer action on House Bill No. 99. Without objection, action on House Bill No. 99 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 2 in opposition. Witness cards are included in the committee records.

(Further action was taken by the committee on House Bill No. 99 on May 17, 2017. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 99.)

House Bill No. 154 by Representative Carpenter

Representative Morris in the chair.

Representative Carpenter presented House Bill No. 154, which authorizes the disclosure of autopsy-related documents to the Department of Children and Family Services at no charge.

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

- (1) Remove the Dept. of Children and Family Services as an agency which is entitled to a coroner's autopsy report, records, writings, and documents, if requested.
- (2) Add a provision allowing the Dept. of Children and Family Services to obtain at no charge the name, age, preliminary diagnosis, and the manner of death of a deceased minor from the office of the coroner conducting the autopsy while the final autopsy is pending.
- (3) Add technical amendments.

Representative Jay Morris offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bagneris, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Mona Michelli and Candice S. LeBlanc, Department of Children and Family Services, 627 N. 4th St., Baton Rouge, LA 70802, testified for information on the bill.

Representative Jay Morris offered a motion to report House Bill No. 154 with amendments. Without objection, House Bill No. 154 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bagneris, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Marino, Jay Morris, 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 Bill No. 73 by Representative Mack

Representative Mack presented House Bill No. 73, which authorizes an increase in fees by the Hammond city marshal and provides for the use of fees.

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

- (1) Remove proposed provisions related to fee increases that the marshal of the city of Hammond is entitled to for service of certain civil pleadings.
- (2) Remove proposed provisions allowing the marshal for the city of Hammond to increase the available fees for use for operational expenses from \$15,500 to \$50,000.
- (3) Add a provision authorizing the marshal for the city of Hammond to use up to \$39,586.00 in fees collected annually to supplement his salary, and require the remainder of the fees to be used for operational expenses of the office of the marshal.
- (4) Add technical amendments.

Representative Jay Morris offered the proposed amendments for adoption. Representative Jay Morris 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, Bagneris, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Representative Jackson in the chair.

Representative Bagneris offered a motion to report House Bill No. 73 with amendments. Without objection, House Bill No. 73 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Jackson, Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Jay Morris, and Zeringue voted yea.

House Bill No. 327 by Representative Schexnayder

Representative Schexnayder presented House Bill No. 327, which establishes the Ascension Parish Courthouse Fund for the construction of a new courthouse for the Twenty-Third Judicial District Court and the Ascension Parish Court.

Lisha Landry, staff attorney, explained an amendment to provide that the imposition of fees will become effective if and when the Judicial Council reviews the request and makes its recommendations to the legislature in its 2018 report.

Representative Jackson offered the proposed amendment for adoption. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

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

- (1) Change the filing fees for the initial filing of civil suits from \$120 to \$150.
- (2) Change the filing fees for additional pleading in civil suits from \$20 to \$30.
- (3) Add witness lists, exhibit lists, memorandums, sheriffs return notices, interrogatories, stipulations, exhibits, discovery requests, written reasons for judgments, and exceptions to the list of additional types of pleadings that are subject to a \$30 filing fee.
- (4) Allow the funds deposited in the Ascension parish courthouse fund to be used for the furnishing of the new Ascension Parish Courthouse.
- (5) Allow the funds deposited in the Ascension Parish Courthouse Fund to be used to renovate or convert any existing courthouse building in Ascension Parish.

- (6) Add a provision requiring the reduction of the amount of the filing fee in certain circumstances.
- (7) Add a provision giving the sheriff of Ascension Parish the ability to vote to expend additional surplus fund available in the Ascension Parish Courthouse Fund.
- (8) Add a provision allowing the sheriff of Ascension Parish to enter into cooperative endeavor agreements with Ascension Parish related to the Ascension Parish Courthouse.

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, Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

Jason Verdigets, Chief Judge, 23rd Judicial District Court, 822 S. Irma Blvd., Gonzales, LA 70737, testified for informational purposes on the bill.

Representative Robby Carter offered a motion to report House Bill No. 327 with amendments. Without objection, House Bill No. 327 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Jay Morris, Shadoin, and Zeringue voted yea.

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

House Bill No. 84 by Representative Dustin Miller

Representative Dustin Miller presented House Bill No. 84, which provides relative to an increase in fees charged by court reporters in the 27th Judicial District Court.

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

- (1) Remove the Aug. 1, 2017 effective date and provide that the increase will become effective if and when the Judicial Council reviews such request and makes a recommendation to the legislature in its 2018 report.
- (2) Add technical amendments.

Representative Jackson offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Jackson, Bagneris, Robby Carter, Coussan, Jimmy Harris, Leopold, Magee, Marino, and Jay Morris voted yea.

Representative Robby Carter offered a motion to report House Bill No. 84 with amendments. Without objection, House Bill No. 84 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Bagneris, Robby Carter, Coussan, Jimmy Harris, Leopold, Magee, Marino, Jay Morris, and Shadoin voted yea.

House Bill No. 120 by Representative Jackson

Representative Morris in the chair.

Representative Jackson presented House Bill No. 120, which provides for fees in civil matters.

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

- (1) Remove the effective date of July 1, 2017, and provide that the increase in fees will become effective if and when the Judicial Council reviews the request and makes its recommendation to the legislature in its 2018 report.
- (2) Add technical amendments.

Representative Jay Morris offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Bagneris, Robby Carter, Coussan, Jimmy Harris, Leopold, Magee, Marino, Jay Morris, and Shadoin voted yea.

Representative Jay Morris offered a motion to report House Bill No. 120 with amendments. Without objection, House Bill No. 120 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Marino, Jay Morris, and Shadoin voted yea.

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

House Bill No. 104 by Representative Leopold

Representative Leopold presented House Bill No. 104, which provides for an increase in certain fees and costs in the Twenty-Fifth Judicial District Court.

Lisha Landry, explained a set of amendments to:

- (1) Remove the emergency effective date, and provide that the increase in court costs will become effective if and when the Judicial Council reviews the request and makes its recommendation to the legislature in its 2018 report.

- (2) Add technical amendments.

Representative Jay Morris offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Marino, Jay Morris, and Shadoin voted yea.

Representative Robby Carter offered a motion to report House Bill No. 104 with amendments. Without objection, House Bill No. 104 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Marino, Jay Morris, and Shadoin voted yea.

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

House Bill No. 44 by Representative Jenkins

Representative Jenkins presented House Bill No. 44, which provides an exception to the juvenile court's jurisdiction over adults in criminal proceedings in certain parishes.

Sandra H. Brown, Louisiana alternative to prison reform, 625 Kenmore Ave., Apt. 4A, Baton Rouge, LA, testified in support of the bill.

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 10 yeas and 0 nays. Representatives Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Marino, 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. 66 by Representative Magee

Representative Magee presented House Bill No. 66, which provides relative to transcript fees charged by court reporters in Terrebonne Parish.

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

- (1) Provide that the increase in fees will become effective if and when the Judicial Council reviews the request and makes its recommendation to the legislature in its 2018 report.
- (2) Add technical amendments.

Representative Jay Morris offered the proposed amendment for adoption. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Marino, Jay Morris, and Shadoin voted yea.

Representative Zeringue offered a motion to report House Bill No. 66 with amendments. Without objection, House Bill No. 66 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

House Bill No. 627 by Representative Dwight

Representative Dwight presented House Bill No. 627, which provides relative to transcript fees charged by court reporters in the 14th Judicial District.

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

- (1) Provide that proposed law will become effective if and when the Judicial Council reviews the request and makes its recommendations to the legislature in its 2018 report.
- (2) Add technical amendments.

Representative Jay Morris offered the proposed amendments for adoption. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Representative Zeringue offered a motion to report House Bill No. 627 with amendments. Without objection, House Bill No. 627 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagneris, Robby Carter, Coussan, Jimmy Harris, Hazel, Leopold, Magee, Marino, Jay Morris, 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 10:40 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary

Date adopted: