

House Committee on Administration of Criminal Justice

Minutes of Meeting
2023 Regular Session
April 20, 2023

I. CALL TO ORDER

Representative Joseph A. Marino, III, chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 9:10 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Joseph A. Marino, III, chairman
Representative Tony Bacala, vice chairman
Representative Marcus Anthony Bryant
Representative Kathy Edmonston
Representative Bryan Fontenot
Representative Raymond E. Garofalo, Jr.
Representative Jonathan Goudeau, I
Representative Valarie Hodges
Representative Dodie Horton
Representative Alonzo L. Knox
Representative Vanessa Caston LaFleur
Representative C. Denise Marcelle
Representative Nicholas Muscarello, Jr.
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Katie LeLeux, attorney
Zachary Gonzalez, attorney
Stephanie Weinman, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk
Allie Eaves, clerk
Janet Anthony, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 413 by Representative Ivey**

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 413, which provides relative to parole eligibility for certain offenders. Without objection, action on House Bill No. 413 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Fontenot, Garofalo, Hodges, Knox, LaFleur, Marcelle, and Villio voted yea.

House Bill No. 26 by Representative Marcelle

At the request of the author, Representative Marcelle offered a motion to voluntarily defer action on House Bill No. 26, which provides relative to the voting requirements of the Board of Pardons. Without objection, action on House Bill No. 26 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Fontenot, Garofalo, Hodges, Knox, LaFleur, Marcelle, and Villio voted yea.

Further discussion by the committee on House Bill No. 26 took place 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. 26.

House Bill No. 27 by Representative Tarver

Representative Tarver presented House Bill No. 27, which provides with respect to reporting of gaming revenue.

Representative Marcelle offered a motion to report House Bill No. 27 favorably. Without objection, House Bill No. 27 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Fontenot, Garofalo, Hodges, Knox, LaFleur, Marcelle, and Villio voted yea.

House Bill No. 232 by Representative Schamerhorn

Representative Schamerhorn presented House Bill No. 232, which provides relative to licensing and reporting procedures for charitable gaming.

Representative Bacala offered a motion to report House Bill No. 232 favorably. Without objection, House Bill No. 232 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Fontenot, Garofalo, Hodges, Knox, LaFleur, Marcelle, and Villio voted yea.

House Bill No. 475 by Representative Magee

Representative Magee presented House Bill No. 475, which provides relative to admissibility of evidence of a defendant's creative or artistic expression.

Loren M. Lampert, executive director, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on House Bill No. 475.

On behalf of the author, Representative Marino offered amendments to:

- (1) Make technical changes;
- (2) Define "creative or artistic expression" within the La. Code of Evidence and establish when it is admissible as evidence in criminal proceedings; and
- (3) Provide that proposed law relative to the admissibility of creative or artistic expression shall not be construed to limit the admission or consideration of evidence under any other rule.

Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Fontenot, Goudeau, Hodges, Knox, LaFleur, and Marcelle voted yea.

Greg Gonzalez, Foundation for Individual Rights and Expression, 700 Pennsylvania Ave. SE, Washington, D.C. 20003, (725) 323-1059, spoke in support of House Bill No. 475.

Representative Marcelle offered a motion to report House Bill No. 475 with amendments, to which Representative Bacala objected. The administrative assistant called the roll, and House Bill No. 475 was reported with amendments by a vote of 7 yeas, 3 nays, and 1 abstention. Representatives Bryant, Edmonston, Goudeau, Knox, LaFleur, Marcelle, and Muscarello voted yea. Representatives Bacala, Hodges, and Seabaugh voted nay. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 23 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 474 by Representative Illg

Representative Illg presented House Bill No. 474, which provides relative to licenses for certain raffle games.

Representative Bryant offered a motion to report House Bill No. 474 favorably. Without objection, House Bill No. 474 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Goudeau, Hodges, Knox, LaFleur, Seabaugh, and Villio 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. 65 by Representative Villio

Representative Villio presented House Bill No. 65, which designates the crime of burglary of an inhabited dwelling as a crime of violence.

Representative Bryant offered an amendment to specify that simple burglary of an inhabited dwelling is a crime of violence when a person is present in the dwelling, house, apartment, or other structure during the commission of the crime. Representative Bryant offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Fontenot, Goudeau, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio voted yea.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 65.

Scott Peyton, Right on Crime, 859 Hicks Rd., Washington, LA 70589, (317) 412-5712, spoke in opposition to House Bill No. 65.

Checo Yancy, Voice of the Experienced, 251 Florida St., Ste. 201, Baton Rouge, LA 70801, (225) 270-5245, spoke in opposition to House Bill No. 65.

Ronald Marshall, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 547-5701, spoke in opposition to House Bill No. 65.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 535-4912, spoke for information only on House Bill No. 65.

Representative Bacala in the chair.

Representative Bacala offered a motion to report House Bill No. 65 with amendments, to which Representative Marcelle objected. The administrative assistant called the roll, and House Bill No. 65 was reported with amendments by a vote of 9 yeas and 2 nays. Representatives Bacala, Bryant, Edmonston, Fontenot, Goudeau, Hodges, Muscarello, Seabaugh, and Villio voted yea. Representatives Knox and Marcelle voted nay.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 14 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 271 by Representative Nelson

Representative Nelson presented House Bill No. 271, which provides relative to sequestration of jurors.

Representative Villio offered a motion to report House Bill No. 271 favorably. Without objection, House Bill No. 271 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Edmonston, Fontenot, Hodges, Knox, Marcelle, Muscarello, and Villio 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.

House Bill No. 370 by Representative Landry

Representative Landry presented House Bill No. 370, which provides relative to criminal blighting of property.

Tom Mulligan, City of New Orleans, 1800 Perdido St., New Orleans, LA 70112, (504) 688-4900, spoke in support of House Bill No. 370.

On behalf of the author, Representative Villio offered an amendment to provide imprisonment for not more than one year relative to a third or subsequent conviction for criminal blighting of property. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Edmonston, Fontenot, Goudeau, Hodges, Horton, Knox, Marcelle, Muscarello, and Villio voted yea.

Representative Villio offered a motion to report House Bill No. 370 with amendments. Without objection, House Bill No. 370 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Edmonston, Fontenot, Goudeau, Hodges, Horton, Knox, Marcelle, Muscarello, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 2 in opposition. Witness cards are included in the committee records.

House Bill No. 441 by Representative Bryant

Representative Bryant presented House Bill No. 441, which provides relative to assault upon a utility service employee.

Matt Wood, Louisiana American Federation of Labor and Congress of Industrial Organizations, 429 Government St., Baton Rouge, LA 70802, (318) 465-2092, spoke in support of House Bill No. 441.

Dennis Allen, 2917 Nancy Dr., Meraux, LA 70075, (504) 799-9985, spoke in support of House Bill No. 441.

Christopher Ratcliff, 3216 Nancy Dr., Meraux, LA 70075, (504) 904-9089, spoke in support of House Bill No. 441.

Representative Bacala offered an amendment to extend the definition of "utility service employee" to encompass an individual who works for a utility service that is investor-owned. Representative Bacala offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Edmonston, Goudeau, Horton, Knox, Marcelle, Muscarello, and Villio voted yea.

Representative Marcelle offered a motion to report House Bill No. 441 with amendments. Without objection, House Bill No. 441 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Edmonston, Goudeau, Horton, Knox, Marcelle, Muscarello, and Villio 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. 265 by Representative Fontenot

Representative Fontenot presented House Bill No. 265, which provides relative to release and dissemination of booking photographs of an arrested person.

Representative Fontenot offered amendments to:

- (1) Make technical changes; and
- (2) Add an exception for a law enforcement officer or agency to determine that releasing or disseminating the booking photograph will assist in investigative purposes.

Representative Fontenot offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Horton, Knox, Marcelle, Muscarello, Seabaugh, and Villio voted yea.

Representative Fontenot offered an amendments to add an exception for a television broadcast station domiciled in La. and licensed by the FCC that requests the release of the booking photograph.

Representative Fontenot offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Horton, Knox, Marcelle, Muscarello, Seabaugh, and Villio voted yea.

Representative Fontenot offered an amendment to add an exception for a victim that seeks release or dissemination of the booking photograph pursuant to the rights provided in the present constitution prior to the individual's conviction.

Representative Fontenot offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Horton, Knox, Marcelle, Muscarello, Seabaugh, and Villio voted yea.

Stephen Adams, Association of Louisiana Bail Underwriters, 620 Florida St., Ste. 110, Baton Rouge, LA 70801, (225) 767-7640, spoke in support of House Bill No. 265.

Bruce Reilly, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 547-5701, spoke in opposition to House Bill No. 265.

Representative Villio offered a motion to report House Bill No. 265 with amendments. Without objection, House Bill No. 265 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bacala, Edmonston, Fontenot, Goudeau, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio voted yea.

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

House Bill No. 317 by Representative Riser

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 317, which creates the crime of criminal access of an automated teller machine. Without objection, action on House Bill No. 317 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Bacala, Edmonston, Fontenot, Goudeau, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio voted yea.

House Bill No. 378 by Representative DeVillier

On behalf of the author, Representative Stefanski presented House Bill No. 378, which provides relative to the DNA database exchange.

Gary Bennett, assistant director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, spoke in support of House Bill No. 378.

Todd Morris, East Baton Rouge Parish Sheriff's Office and Louisiana Sheriffs' Association, 8500 Jimmy Wedell Dr., Baton Rouge, LA 70807, (225) 389-5005, spoke in support of House Bill No. 378.

Representative Marcelle offered a motion to report House Bill No. 378 favorably. Without objection, House Bill No. 378 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Edmonston, Goudeau, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio 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. 26 by Representative Marcelle

This is a continuation of the discussion on House Bill No. 26 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 26.

Chris Marlowe, no address provided, (936) 635-3522, spoke in support of House Bill No. 26.

Representative Marino in the chair.

House Bill No. 94 by Representative Bacala

Representative Bacala presented House Bill No. 94, which provides relative to theft or criminal access of automated teller machines.

Representative Bacala offered an amendment to provide for the action of criminal access of an automated teller machine and define criminal access of an automated teller machine.

Representative Carrier, P. O. Box 593, Oakdale, LA 71463, (318) 335-0206, spoke in support of House Bill No. 94.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, spoke in support of House Bill No. 94.

Joe Gendron, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4837, spoke in support of House Bill No. 94.

Representative Bacala offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Horton, Knox, Muscarello, and Villio voted yea.

Willie Stewart, East Baton Rouge Parish Sheriff's Office and Louisiana Sheriffs' Association, no address provided, (225) 279-9272, spoke in support of House Bill No. 94.

David Boneno, Louisiana Bankers Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, spoke in support of House Bill No. 94.

Representative Bacala offered a motion to report House Bill No. 94 with amendments. Without objection, House Bill No. 94 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Knox, Marcelle, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 13 in opposition. Witness cards are included in the committee records.

House Bill No. 187 by Representative Freeman

Representative Freeman presented House Bill No. 187, which provides relative to release and dissemination of booking photographs of an arrested person for the purpose of victim notification.

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 187. Without objection, action on House Bill No. 187 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Knox, and Villio voted yea.

Representative Bacala in the chair.

House Bill No. 479 by Representative Marino

Representative Marino presented House Bill No. 479, which provides relative to expungement of records.

Karen White, Louisiana Municipal Association, 6767 Perkins Rd., Baton Rouge, LA 70808, (225) 344-5001, spoke in support of House Bill No. 479.

Representative Marcelle offered a motion to report House Bill No. 479 favorably. Without objection, House Bill No. 479 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Knox, Marcelle, Muscarello, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 18 in support. Witness cards are included in the committee records.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 12:08 p.m.

Respectfully submitted,

Chairman Joseph A. Marino, III
House Committee on Administration of Criminal Justice