

House Committee on Administration of Criminal Justice

Minutes of Meeting
2023 Regular Session
May 24, 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 9:09 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:

Angela McKnight, sergeant at arms
Janet Anthony, sergeant at arms
Michael McCain, clerk

III. DISCUSSION OF LEGISLATION**Senate Concurrent Resolution No. 45 by Senator Abraham**

Senator Abraham presented Senate Concurrent Resolution No. 45, which creates the Task Force on Sentencing for Second Degree Murder to determine the best changes to sentencing for second degree murder.

John Sinuefield, chief deputy, Louisiana Attorney General's Office, 1885 N. 3rd St., Baton Rouge, LA 70802, (225) 337-5991, spoke in opposition to Senate Concurrent Resolution No. 45.

Representative Bacala offered an amendment to add an attorney from the office of the attorney general as a member of the task force. Representative Bacala offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Horton, Knox, Muscarello, and Villio voted yea. Representative Marino abstained.

Representative Villio offered an amendment to clarify that second degree murder committed in the course of a felony, but without the intent to kill or inflict harm, bares further study. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Horton, Knox, Muscarello, and Villio voted yea. Representative Marino abstained.

Loren M. Lampert, executive assistant, Louisiana District Attorneys Office, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on Senate Concurrent Resolution No. 45.

Representative Villio offered an amendment to remove language relative to second degree murder with specific intent to kill or inflict great bodily harm. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Horton, Knox, Muscarello, and Villio voted yea. Representative Marino abstained.

Representative Knox offered a motion to report Senate Concurrent Resolution No. 45 with amendments. Without objection, Senate Concurrent Resolution No. 45 was reported with

amendments by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Horton, Knox, Muscarello, and Villio voted yea. Representative Marino abstained.

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

Senate Bill No. 117 by Senator Harris

Senator Harris presented Senate Bill No. 117, which provides relative to the crime of assault by drive-by shooting.

Representative Bacala offered a motion to report Senate Bill No. 117 favorably. Without objection, Senate Bill No. 117 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Garofalo, Horton, Knox, Marcelle, Muscarello, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 2 in opposition. 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.

Senate Bill No. 111 by Senator Duplessis

Senator Duplessis presented Senate Bill No. 111, which provides relative to system upgrades to the Louisiana Bureau of Criminal Identification and Information and the Louisiana Supreme Court Case Management Information System to the expungement process.

Sarah Whittington, Justice Accountability Center, 4035 Washington Ave., New Orleans, LA 70125, (504) 322-4050, spoke in support of Senate Bill No. 111.

Chris Eskew, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-6111, spoke for information only on Senate Bill No. 111.

Representative Bacala offered an amendment to provide that implementation of proposed law shall be subject to appropriate funding rather than the requirement that the legislature appropriate funding necessary for proposed law.

Debbie D. Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Baton Rouge, LA 70809, (225) 293-1162, spoke for information only on Senate Bill No. 111.

Representative Bacala offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Horton, Knox, Marcelle, Seabaugh, and Villio voted yea. Representative Marino abstained.

Representative Marcelle offered a motion to report Senate Bill No. 111 with amendments. Without objection, Senate Bill No. 111 was reported with amendments by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Fontenot, Horton, Knox, Marcelle, Seabaugh, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 26 in support and 1 for information only. Witness cards are included in the committee records.

House Resolution No. 130 by Representative Freeman

Representative Freeman presented House Resolution No. 130, which creates a task force to study public health outcomes related to the criminalization of HIV.

Representative Bacala in the chair.

Jennifer Holl, Women With a Vision, 2900A Banks St., New Orleans, LA 70119, (415) 420-2450, spoke in support of House Resolution No. 130.

Jeanie Donovan, New Orleans Health Department, 1300 Perdido St., New Orleans, LA 70112, (504) 658-2500, spoke in support of House Resolution No. 130.

Representative Marcelle offered a motion to report House Resolution No. 130 favorably. Without objection, House Resolution No. 130 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Bacala, Bryant, Garofalo, Horton, Knox, Marcelle, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 14 in support. Witness cards are included in the committee records.

Representative Marino in the chair.

Senate Bill No. 107 by Senator Smith

At the request of the author, Representative Marino offered a motion to voluntarily defer action on Senate Bill No. 107, which provides relative to definition of first degree murder and penalties. Without objection, action on Senate Bill No. 107 was voluntarily deferred by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Garofalo, Horton, Knox, Marcelle, Seabaugh, and Villio voted yea. Representative Marino abstained.

House Bill No. 318 by Representative Selders

Representative Selders presented House Bill No. 318, which provides relative to automatic weapons.

At the request of the author, Representative Marcelle offered a motion to voluntarily defer action on House Bill No. 318. Without objection, action on House Bill No. 318 was voluntarily deferred by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Garofalo, Horton, Knox, Marcelle, Seabaugh, and Villio voted yea. Representative Marino abstained.

House Bill No. 228 by Representative Green

Representative Green presented House Bill No. 228, which eliminates the death penalty.

Rev. Alexis Anderson, PREACH, 804 Main St., Baton Rouge, LA 70802, (225) 244-9828, spoke in support of House Bill No. 228.

Natalie Sharp, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in support of House Bill No. 228.

Sara Gozalo, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (415) 314-0183, spoke in support of House Bill No. 228.

Linda Brasher, 3513 Tilford Cir., Monroe, LA 71201, (318) 557-8649, spoke in support of House Bill No. 228.

Tom Costanza, 2431 S. Acadian Thwy., # 250, Baton Rouge, LA 70808, (504) 874-7829, spoke in support of House Bill No. 228.

Ralph Capitalli, 550 Joseph St., New Orleans, LA 70115, (504) 884-9161, spoke in support of House Bill No. 228.

Sue Weishar, Ph.D., Jesuit Social Research Institute, 6363 St. Charles Ave., New Orleans, LA 70118, spoke in support of House Bill No. 228.

Shareef Cousin, 2601 Tulane Ave., Ste. 300, New Orleans, LA 70119, (504) 326-9110, spoke in support of House Bill No. 228.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 535-4912, spoke in support of House Bill No. 228.

Jay Jackson, 4841 Tealwood Ct., Baton Rouge, LA 70809, (225) 235-5845, spoke in support of House Bill No. 228.

Maureen B. Kelley, Ignatian Volunteer Corps and Promise of Justice Initiative, 6056 Coliseum St., New Orleans, LA 70118, (954) 646-1702, spoke in support of House Bill No. 228.

Samantha Bosalavage, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 524-5955, spoke in support of House Bill No. 228.

Representative LaFleur in the chair.

Julia Louzides, Promise of Justice Initiative, 2011 General Pershing St., New Orleans, LA 70115, (201) 774-0554, spoke in support of House Bill No. 228.

Michael Cahoon, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in support of House Bill No. 228.

W. Ross Foote, 3420 Calumet Dr., Shreveport, LA 71107, (318) 446-7115, spoke in support of House Bill No. 228.

Representative Marino in the chair.

Monique G. Lee-Coleman, 655 W. Gould St., Pilot Point, TX 76258, (940) 218-8123, spoke in support of House Bill No. 228.

Kevin Fitzpatrick, Catholic Charities Archdiocese of New Orleans, 2421 Broadway St., New Orleans, LA 70125, (504) 645-9425, spoke in support of House Bill No. 228.

Corey Williams, 614 Argyle St., Shreveport, LA 71106, (318) 409-2891, spoke in support of House Bill No. 228.

Leigh Rachal, Louisiana Interchurch Conference, 527 North Blvd., Baton Rouge, LA 70802, (337) 278-6621, spoke in support of House Bill No. 228.

Deacon Angelo Nola, 7257 Reed Rd., St. Francisville, LA 70775, (225) 715-4605, spoke in support of House Bill No. 228.

Remy Starns, State Public Defender, 300 Main St., Ste. 700, Baton Rouge, LA 70825, (225) 408-1881, spoke for information only on House Bill No. 228.

Tony Clayton, district attorney, 18th Judicial District Court, 58050 Meriam St., Plaquemine, LA 70764, spoke in opposition to House Bill No. 228.

John Sinquefield, Louisiana Department of Justice, 1885 N. 3rd St., Baton Rouge, LA 70802, (225) 337-5991, spoke in opposition to House Bill No. 228.

Wayne Guzzardo, 26017 Shadowbrook Ave., Denham Springs, LA 70726, (225) 664-9308, spoke in opposition to House Bill No. 228.

Representative Marcelle offered a motion to report House Bill No. 228 favorably, to which Representative Garofalo objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 4 yeas and 11 nays. Representatives Marino, Bryant, Knox, and Marcelle voted yea. Representatives Bacala, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Horton, LaFleur, Muscarello, Seabaugh, and Villio voted nay.

Witness cards submitted by individuals who did not speak are as follows: 23 in support and 12 in opposition. 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: 14 in support. Copies of these statements are included in the committee records.

House Bill No. 234 by Representative Fontenot

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 234, which provides relative to the concealed carrying of firearms. Without objection, action on House Bill No. 234 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 1:53 p.m.

Respectfully submitted,

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