

## **House Committee on Judiciary**

Minutes of Meeting  
2023 Regular Session  
April 27, 2023

### **I. CALL TO ORDER**

Representative Sherman Q. Mack, vice 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 Kathy Edmonston  
Representative Jason Hughes  
Representative Michael T. Johnson  
Representative Edmond Jordan  
Representative Mandie Landry  
Representative Sherman Q. Mack, vice chairman  
Representative Nicholas Muscarello, Jr.  
Representative Joseph A. Orgeron  
Representative Charles Anthony Owen  
Representative Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Randal L. Gaines, chairman  
Representative Thomas A. Pressly

#### **STAFF MEMBERS PRESENT:**

Gabrielle Lewis, attorney  
Diane Merritt, committee administrative assistant  
Robert Singletary, legal division director

#### **ADDITIONAL ATTENDEES PRESENT:**

Michael McCain, clerk  
Myrtis Jarrell, sergeant at arms  
Vivian Horst, sergeant at arms

### III. DISCUSSION OF LEGISLATION

#### **House Bill No. 19 by Representative Butler**

Representative Butler presented House Bill No. 19, which provides relative to group insurance expenses of the clerk of court of Evangeline Parish.

Randy Deshotel, Evangeline Parish Clerk of Court, 200 Court St., Ville Platte, LA 70586, (337) 363-5671, testified in support of House Bill No. 19.

Representative Orgeron offered a motion to report House Bill No. 19 favorably. Without objection, House Bill No. 19 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 20 by Representative Farnum**

Representative Farnum presented House Bill No. 20, which provides relative to court costs for the City Court of Lake Charles.

Judge Jamie Bice, Lake Charles City Court, 118 W. Mill St., Lake Charles, LA 70601, (337) 491-1305, testified for information only on House Bill No. 20.

Representative Seabaugh offered a motion to report House Bill No. 20 favorably. Without objection, House Bill No. 20 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

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

#### **House Bill No. 226 by Representative Farnum**

Representative Farnum presented House Bill No. 226, which provides relative to marshals and constables.

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

- (1) Remove provisions which provide for the compensation of certain marshals and constables.

- (2) Change the requirement that the deputy constable be a resident of the parish within which the elected constable's ward is located to instead require that the deputy constable be a resident of this state.

Representative Muscarello offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Representative Orgeron offered a motion to report House Bill No. 226 with amendments. Without objection, House Bill No. 226 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 310 by Representative Landry**

Representative Landry offered a motion to voluntarily defer action on House Bill No. 310, which provides relative to alcoholic beverage permits. Without objection, action on House Bill No. 310 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 30 by Representative Tarver**

Representative Tarver presented House Bill No. 30, which provides with respect to the salary of magistrate judges in the Fourteenth Judicial District Court.

Representative Edmonston offered a motion to report House Bill No. 30 favorably. Without objection, House Bill No. 30 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

#### **House Bill No. 179 by Representative Wheat**

Representative Wheat presented House Bill No. 179, which provides relative to the sale of certain vapor products for electronic cigarettes and similar devices.

Jason Gardner, Ph.D., LSU Health Sciences Center New Orleans, 1501 Ellenberry Loop, Mandeville, LA 70448, (985) 807-2006, testified in support of House Bill No. 179.

Jean Cutrer, P.O. Box 1908, Amite, LA 70454, (985) 507-7745, testified in support of House Bill No. 179.

Taylor Addison, representing TRACC Coalition, 15485 W. Club Deluxe Rd., Hammond, LA 70403, (985) 542-7138, testified in support of House Bill No. 179.

Paula Zachary, representing TRACC Coalition, 15485 W. Club Deluxe Rd., Hammond, LA 70403, testified in support of House Bill No. 179.

Alice Kline, representing American Cancer Society Cancer Action Network, 397 S. Ardenwood Dr., Baton Rouge, LA 70806, (251) 295-8974, testified for information only on House Bill No. 179.

Heather Hutton, president, Louisiana Vaping Association, 117 W. Genie St., Chalmette, LA 70043, (504) 541-4914, testified in opposition to House Bill No. 179.

Representative Edmonston offered a motion to report House Bill No. 179 favorably, to which Representative Muscarello objected. The administrative assistant called the roll, and House Bill No. 179 was reported favorably by a vote of 7 yeas and 3 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Mack, Charles Owen, and Seabaugh voted yea. Representatives Landry, Muscarello, and Orgeron voted nay.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 6 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: 2 in opposition. Copies of these statements are included in the committee records.

### **House Bill No. 195 by Representative Pierre**

Representative Pierre presented House Bill No. 195, which provides relative to continuous service for the purpose of determination of chief judge.

Representative Mack offered an amendment to authorize the selection of the chief judge by agreement of the judges at any time. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Representative Mack offered amendments to allow the interruption of continuous service to be retroactive and to provide for the suspension without pay for thirty days or more as an element of interruption of continuous service. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Representative Seabaugh offered a motion to report House Bill No. 195 with amendments. Without objection, House Bill No. 195 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 233 by Representative Turner**

Representative Turner presented House Bill No. 233, which provides relative to court costs and fees for the City Court of Ruston.

Representative Mike Johnson offered a motion to report House Bill No. 233 favorably. Without objection, House Bill No. 233 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 347 by Representative Harris**

On behalf of the author, Representative Mike Johnson presented House Bill No. 347, which provides relative to court costs and civil filing fees in Alexandria City Court.

Representative Charles Owen offered an amendment to sunset the changes to present law on January 1, 2026, to revert back to present law. Representative Charles Owen offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Representative Muscarello offered a motion to report House Bill No. 347 with amendments. Without objection, House Bill No. 347 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 202 by Representative Muscarello**

Representative Muscarello presented House Bill No. 202, which provides relative to fees for the City Court of Hammond.

Sarah Whittington, representing Justice Accountability Center of Louisiana, 4035 Washington Ave., New Orleans, LA 70125, (504) 322-4050, testified in support of House Bill No. 202.

Representative Edmonston offered a motion to report House Bill No. 202 favorably. Without objection, House Bill No. 202 was reported favorably by a vote of 10 yeas and 0 nays.

Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

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

**House Bill No. 150 by Representative Bryant**

On behalf of the author, Representative Muscarello presented House Bill No. 150, which increases certain fees for justice of the peace courts.

Representative Mack offered amendments to:

- (1) Change the proposed fee increase for new suits from \$140 to \$130.
- (2) Change the proposed fee increase in eviction proceedings from \$140 to \$120.
- (3) Change the proposed fee increase for a writ of execution from \$80 to \$60.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Connie Moore, representing Justices of the Peace and Constables Association, 73477 Tammy Lane, Covington, LA 70435, (985) 892-4486, testified in support of House Bill No. 150.

Justin Mendoza, representing Justices of the Peace and Constables Association, 32095 Hwy. 75, Plaquemine, LA 70764, (225) 776-5171, testified in support of House Bill No. 150.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6<sup>th</sup> St., Baton Rouge, LA 70802, (504) 256-8196, testified in opposition to House Bill No. 150.

Representative Edmonston offered a motion to report House Bill No. 150 with amendments. Without objection, House Bill No. 150 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen 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.

Statements submitted in accordance with House Rule 14:33 in lieu of appearing before the committee are as follows: 6 in support. Copies of these statements are included in the committee records.

### **House Bill No. 49 by Representative Charles Owen**

Representative Charles Owen presented House Bill No. 49, which provides relative to transcription fees charged by court reporters in the Thirty-Sixth Judicial District.

Representative Mike Johnson offered a motion to report House Bill No. 49 favorably. Without objection, House Bill No. 49 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

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

### **House Bill No. 193 by Representative Charles Owen**

Representative Charles Owen presented House Bill No. 193, which provides relative to transcription fees charged by court reporters in the Thirtieth Judicial District.

Representative Mike Johnson offered a motion to report House Bill No. 193 favorably. Without objection, House Bill No. 193 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

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

*Representative M. Johnson in chair.*

### **House Bill No. 189 by Representative Gaines**

On behalf of the author, Representative Mack presented House Bill No. 189, which provides relative to alcoholic beverages.

Ryan Haynie, representing Southern Glazers Wine and Spirits, P.O. Box 44032, Baton Rouge, LA 70804, (225) 336-4143, testified in support of House Bill No. 189.

Representative Hughes offered a motion to report House Bill No. 189 favorably. Without objection, House Bill No. 189 was reported favorably by a vote of 9 yeas and 0 nays. Representatives

Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen 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. 48 by Representative Mack**

Representative Mack presented House Bill No. 48, which provides relative to mayor's court costs.

Representative Hughes offered a motion to report House Bill No. 48 favorably. Without objection, House Bill No. 48 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen 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.

*Representative Mack in chair.*

### **House Bill No. 168 by Representative Landry**

Representative Landry presented House Bill No. 168, which provides relative to certain court costs related to Drug Abuse Resistance Education (D.A.R.E.) programs.

Sarah Whittington, representing Justice and Accountability Center of Louisiana, 4035 Washington Ave., New Orleans, LA 70125, (504) 322-4050, testified in support of House Bill No. 168.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6<sup>th</sup> St., Baton Rouge, LA 70802, (504) 256-8196, testified in support of House Bill No. 168.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-8402, testified in opposition to House Bill No. 168.

After a lengthy discussion, Representative Landry offered a motion to report House Bill No. 168 favorably, to which Representative Mike Johnson objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 2 yeas and 7 nays. Representatives Jordan and Landry voted yea. Representatives Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Charles Owen, and Seabaugh voted nay.

Representative Mike Johnson offered a motion to involuntarily defer action on House Bill No. 168, to which Representative Landry objected.



Representative Hughes offered a substitute motion to voluntarily defer action on House Bill No. 168, to which Representative Mike Johnson objected. Representative Hughes withdrew his substitute motion to voluntarily defer action on House Bill No. 168.

Representative Mike Johnson withdrew his motion to involuntarily defer action on House Bill No. 168.

Representative Mike Johnson offered a motion to voluntarily deferred action on House Bill No. 168. Without objection, action on House Bill No. 168 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 2 in opposition. 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 11:36 a.m.

Respectfully submitted,

Vice Chairman Sherman Q. Mack  
House Committee on Judiciary