

## **House Committee on Judiciary**

Minutes of Meeting  
2023 Regular Session  
May 11, 2023

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

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 9:37 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

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

#### **MEMBERS ABSENT:**

None

#### **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

### III. DISCUSSION OF LEGISLATION

#### **Senate Bill No. 36 by Senator Price**

Senator Price presented Senate Bill No. 36, which provides for funding of certain insurance costs for retirees of the Ascension Parish Sheriff's Office.

Gary Bennett, assistant director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in support of Senate Bill No. 36.

Representative Mack offered a motion to report Senate Bill No. 36 favorably. Without objection, Senate Bill No. 36 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, and Pressly voted yea.

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

#### **Senate Concurrent Resolution No. 8 by Senator Kleinpeter**

Senator Kleinpeter presented Senate Concurrent Resolution No. 8, which creates the Task Force on Safety for Law Enforcement Officers Involved in High Speed Vehicle Pursuits to study and review police officer training and protocols necessary to increase the safety of law enforcement officers and innocent bystanders.

On behalf of the author, Representative Mack offered an amendment to add the executive director of the Center for Analytics and Research in Transportation Safety at Louisiana State University or his designee and the president of the Louisiana Fraternal Order of Police or his designee as members of the task force. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Representative Seabaugh offered a motion to report Senate Concurrent Resolution No. 8 with amendments. Without objection, Senate Concurrent Resolution No. 8 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 1 for information only. Witness cards are included in the committee record.

**House Bill No. 229 by Representative Magee**

Representative Magee presented House Bill No. 229, which provides relative to electronic filings.

On behalf of the author, Representative Gaines offered a motion to voluntarily defer action on House Bill No. 229. Without objection, action on House Bill No. 229 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, and Pressly voted yea.

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

Statements submitted in accordance with House Rule 14:33 in lieu of appearing before the committee are as follows: 1 in opposition. Copies of these statements are included in the committee records.

**House Bill No. 305 by Representative Brown**

Representative Brown presented House Bill No. 305, which provides relative to electronic signatures by judges.

On behalf of the author, Representative Gaines offered an amendment to remove the requirement that the various courts provide by court rule the signing of judgments by electronic signature. Representative Gaines offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, and Pressly voted yea.

Representative Mack offered a motion to report House Bill No. 305 with amendments. Without objection, House Bill No. 305 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, and Pressly 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 record.

**House Bill No. 217 by Representative LaFleur**

Representative LaFleur presented House Bill No. 217, which provides relative to commissioners of the Nineteenth Judicial District Court.

Diana Gibbens, 19th Judicial District Court, 300 North Blvd., Baton Rouge, LA 70802, (225) 389-4935, testified in support of House Bill No. 217.

Hillar Moore, East Baton Rouge District Attorney, 222 St. Louis St., Ste. 550, Baton Rouge, LA 70802, testified in support of House Bill No. 217.

Representative Hughes offered a motion to report House Bill No. 217 favorably. Without objection, House Bill No. 217 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Orgeron, and Pressly voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 2 for information only. Witness cards are included in the committee record.

*Representative Mack in chair.*

### **House Bill No. 365 by Representative Carrier**

Representative Carrier presented House Bill No. 365, which provides relative to fees dedicated to the operational costs of the office of coroner in Concordia Parish.

Representative Mack offered a motion to report House Bill No. 365 favorably. Without objection, House Bill No. 365 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Orgeron, and Pressly 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 record.

### **House Bill No. 439 by Representative Bryant**

Representative Bryant presented House Bill No. 439, which creates the Victims of Vehicular Homicide Fund.

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

- (1) Add documentation of failure to maintain compulsory motor vehicle insurance as a form of reasonable documentation.
- (2) Add a copy of the death certificate in lieu of any documentation the board deems sufficient.
- (3) Remove provisions for emergency awards.
- (4) Add an amount of \$25,000 in reparations for survivors when there is only one victim of vehicular homicide and an amount of \$50,000 when there are two or more victims of vehicular homicide.

- (5) Remove the requirement of hearings and all related evidentiary and procedural provisions.
- (6) Require the monies for the fund to be derived from the legislature or private funds not to exceed \$50,000.
- (7) Remove court cost of \$50,000 imposed on persons convicted of vehicular homicide or driving while intoxicated.
- (8) Remove the award of attorney fees.
- (9) Terminate the fund on August 1, 2027.

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

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysion Fields Ave., New Orleans, LA 70117, (504) 529-5955, testified in opposition to House Bill No. 439.

Representative Hughes offered a motion to report House Bill No. 439 with amendments. Without objection, House Bill No. 439 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, and Pressly voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 5 in opposition, and 2 for information only. Witness cards are included in the committee record.

#### **Senate Bill No. 115 by Senator Boudreaux**

Senator Boudreaux presented Senate Bill No. 115, which provides relative to educational benefits for children, spouses, and surviving spouses of certain veterans.

Lani Boyd Durio, executive counsel, Louisiana Department of Veterans Affairs, 602 North 5th St., Baton Rouge, LA 70802, (225) 439-5589, testified for information only on Senate Bill No. 115.

Representative Hughes offered a motion to report Senate Bill No. 115 favorably. Without objection, Senate Bill No. 115 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, and Pressly voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 for information only. Witness cards are included in the committee record.

**House Bill No. 397 by Representative Mincey**

*(This is a continuation of the discussion on House Bill No. 397 from an earlier meeting held on May 3, 2023. Please check for the prior action to complete the record of discussion and motions on House Bill No. 397.)*

Representative Mincey presented House Bill No. 397, which provides relative to parish homeland security and emergency preparedness agency requests during an emergency.

Representative Orgeron offered a motion to report House Bill No. 397 favorably. Without objection, House Bill No. 397 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

**House Bill No. 588 by Representative Gaines**

Representative Gaines presented House Bill No. 588, which provides relative to convictions rendered by a verdict from a non-unanimous jury.

Representative Mack offered amendments to:

- (1) Change the quorum requirement from three out of five members to four out of five members.
- (2) Remove the requirement that a uniform application for special consideration be approved by the Supreme Court of Louisiana, and provide that the special committee develop and approve the uniform application.
- (3) Change the affirmative vote requirement for petitioners serving a life sentence from two out of three votes to three out of three votes.

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

Matt Bailey, 3409 Severn Ave., Apt. 226, Metairie, LA 70002, (318) 572-0645, testified in opposition to House Bill No. 588.

Claude-Michael Comeau, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70116, testified in opposition to House Bill No. 588.

Ronald Marshall, VOTE, 4930 Washington Ave., New Orleans, LA 70125, (504) 547-5709, testified in opposition to House Bill No. 588.

James P. Dickerson, 4024 S. Inwood Ave., New Orleans, LA 70131, (504) 606-0879, testified in opposition to House Bill No. 588.

Eugene Dean, VOTE, 8338 Belfast St., New Orleans, LA 70118, (504) 575-5779, testified in opposition to House Bill No. 588.

Terrance Winn, PIPE, 3322 Westheimer St., Shreveport, LA 71103, (318) 901-7288, testified in opposition to House Bill No. 588.

Devin Williams, 5000 Woodland Dr., New Orleans, LA 70131, (318) 347-1577, testified in opposition to House Bill No. 588.

Ethel Bowen, Promise of Justice, 2834 S. Johnson St., New Orleans, LA 70125, (225) 278-7557, testified in opposition to House Bill No. 588.

Paul F. Mayho, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 453-6634, testified in opposition to House Bill No. 588.

Gregory Earls, representing Brandon Earls, 6855 Cindy Place, Apt. B, New Orleans, LA 70127, (504) 554-0485, testified in opposition to House Bill No. 588.

Zac Crawford, staff attorney, Innocence Project, 4051 Ulloa St., New Orleans, LA 70119, (504) 943-1905, testified in opposition to House Bill No. 588.

Sara Oozazo, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, testified in opposition to House Bill No. 588.

Telita Hayes, VOTE, 2636 Monroe Ave., Baton Rouge, LA 70802, (225) 407-6589, testified in opposition to House Bill No. 588.

Michael Cahoon, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, testified in opposition to House Bill No. 588.

Norris Henderson, VOTE, 7832 Ligustrum Dr., New Orleans, LA 70126, (504) 453-4819, testified in opposition to House Bill No. 588.

Robert Jones, 2601 Tulane Ave., New Orleans, LA 70119, (504) 265-4680, testified in opposition to House Bill No. 588.

Tammy Jones, VOTE, 251 Florida St., Baton Rouge, LA 70802, (255) 441-0792, testified in opposition to House Bill No. 588.

Anisha Shetty, VOTE, 4006 Prytania St., New Orleans, LA 70115, (757) 560-2781, testified in opposition to House Bill No. 588.

Natalie Sharp, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, testified in opposition to House Bill No. 588.

Hardell Ward, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, testified in opposition to House Bill No. 588.

Alison McCrary, Unanimous Jury Coalition, 4477 Baccich St., New Orleans, LA 70122, (504) 484-9710, testified in opposition to House Bill No. 588.

Belinda Pugh, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (832) 860-7860, testified in opposition to House Bill No. 588.

Bruce Reilly, VOTE, 4930 Washington Ave., New Orleans, LA 70116, (504) 758-9420, testified in opposition to House Bill No. 588.

Anthony Hinkle, VOTE, 251 Florida St., Ste. 400, Baton Rouge, LA 70802, (225) 323-8555, testified in opposition to House Bill No. 588.

Amelia Herrera, VOTE, 251 Florida St., Ste. 400, Baton Rouge, LA 70802, (225) 323-8555, testified in opposition to House Bill No. 588.

Ed Tarpley, former Grant Parish District Attorney, 819 Johnston St., Alexandria, LA 71301, (318) 792-3015, testified in opposition to House Bill No. 588.

Will Harrell, Justice Collaborative, LLC, 1221 Kerlerec St., New Orleans, LA 70116, (512) 695-7519, testified in opposition to House Bill No. 588.

Katie Moore, 5828 Tioga Dr., Baton Rouge, LA 70812, (225) 328-0561, testified in opposition to House Bill No. 588.

James Allums, 2614 Broad St., Ringgold, LA 71068, (318) 894-2533, testified in opposition to House Bill No. 588.

Loren M. Lampert, executive director, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, testified for information only on House Bill No. 588.

Representative Mack offered a motion to report House Bill No. 588 with amendments, to which Representative Orgeron objected. The administrative assistant called the roll, and House Bill No. 588 was reported with amendments by a vote of 10 yeas and 1 nays. Representatives Gaines,



Edmonston, Hughes, Mike Johnson, Landry, Mack, Muscarello, Charles Owen, Pressly, and Seabaugh voted yea. Representative Orgeron voted nay.

Witness cards submitted by individuals who did not speak are as follows: 26 in opposition. Witness cards are included in the committee record.

Statements submitted in accordance with House Rule 14:33 in lieu of appearing before the committee are as follows: 7 in support as amended. Copies of these statements are included in the committee records.

### **House Concurrent Resolution No. 6 by Representative Charles Owen**

Representative Charles Owen presented House Concurrent Resolution No. 6, which authorizes and directs the adjutant general of the Louisiana National Guard to determine if application of the current procedures of the Uniform Code of Military Justice may result in a nonunanimous verdict and to take the necessary actions to prevent such verdicts.

On behalf of the author, Representative Mack offered an amendment to remove the requirement that the governor of Louisiana issue a directive to the adjutant general to suspend court martial proceedings which may result in nonunanimous jury verdicts. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Representative Charles Owen offered a motion to report House Concurrent Resolution No. 6 with amendments. Without objection, House Concurrent Resolution No. 6 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

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

### **House Bill No. 218 by Representative Marcelle**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 218, which provides with respect to the selection of the chief judge for the City Court of Baton Rouge. Without objection, action on House Bill No. 218 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

**Senate Bill No. 169 by Senator Mizell**

Senator Mizell presented Senate Bill No. 169, which provides for tracking rape kits from collection through conviction.

Representative Hughes offered a motion to report Senate Bill No. 169 favorably. Without objection, Senate Bill No. 169 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 4 for information only. Witness cards are included in the committee record.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 12:57 p.m.

Respectfully submitted,

Chairman Randal L. Gaines  
House Committee on Judiciary