

HOUSE & SENATE BILLS 2023

Bill & Author	Summary	Comment	LDJA Position	Status
House Bills				
<u>HB5</u> - <u>FRIEMAN</u>	PATERNITY: Provides relative to pregnancy-related medical expense obligations	Defer to	No Position	
<u>HB7</u> - <u>MUSCARELLO</u>	FAMILY CIVIL/PROCEDURE: relative to default judgments - provides that certain notice requirements for default judgments do not apply when the plaintiff intends to obtain a default judgment for divorce	Defer to	No Position	
<u>HB14</u> - <u>FIRMMENT</u>	CRIMINAL: CONTROLLED SUBSTANCES: Provides relative to Schedule I of the Uniform Controlled Dangerous Substances Law. Adds Mitragynine to Schedule I of the Uniform Controlled Dangerous Substances Law.	Policy matter of legislature	No Position	
<u>HB16</u> - <u>SCHLEGEL</u>	CRIMINAL: Provides additional penalties for the crime of simple burglary under certain circumstances.		No Position	
<u>HB24</u> - <u>NEWELL</u>	CRIMINAL: Decriminalizes the possession and distribution of marijuana contingent upon legislative enactment of a statutory regulatory system and establishment of a sales tax and provides relative to applicability.		No Position	
<u>HB31</u> - <u>ROMERO</u>	CRIMINAL Sex Offender Registry: Proposed law changes the definition of "criminal offense against a victim who is a minor" to include the present law offenses of cruelty to juveniles (R.S. 14:93) and second degree cruelty to juveniles (R.S. 14:93.2.3).		No Position	
<u>HB49</u> - <u>CHARLES OWEN</u>	COURTS/COURT REPORTERS: Provides relative to transcription fees charged by court reporters in the	Watch – more information. Judge Koch will contact 36 th JDC Judges	Watch	

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	Thirty-Sixth Judicial District (leaves amount open-ended; this is problematic. Also, they did not go to Judicial Council prior to legislation, although provision indicates council approval needed.)			
<u>HB54 - SCHLEGEL</u>	CRIMINAL: Provides relative to the time limitations on district attorneys to initiate prosecution of a juvenile as an adult for certain offenses (from 30 to 60 days).	Defer to LDAA	No Position	
<u>HB55 - SELDERS</u>	CRIMINAL: Provides relative to the treatment of incarcerated individuals with mental health needs.		No Position	
<u>HB61 - SCHLEGEL</u>	CIVIL: Provides for nullity of contracts between minors and interactive computer services without consent of the legal representative of the minor.		No Position	
<u>HB63 - MUSCARELLO</u>	JUDICIARY: Proposed law deletes the requirement that various courts provide by rule for the method of electronic signature to be used and ensure the authenticity. (WITHDRAWN – SEE <u>HB 305</u>)		WITHDRAWN	
<u>HB65 - VILLIO</u>	CRIMINAL: Designates the crime of "simple burglary of an inhabited dwelling" as a crime of violence.		No Position	
<u>HB66 - VILLIO</u>	CORRECTIONS/PRISONERS: Provides relative to forfeiture of good time credit		No Position	
<u>HB70 - VILLIO</u>	CRIMINAL/SENTENCING: Provides relative to diminution of sentence and parole eligibility for fourth or subsequent nonviolent felony offenses		No Position	
<u>HB75 - VILLIO</u>	DRUGS/CONTROLLED: Provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil		No Position	

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HB77 - SCHLEGEL	ATTORNEY GENERAL: Provides for attorney general investigation for publishers and distributors of material harmful to minors		No Position	
HB84 - SCHLEGEL	CHILDRENS CODE: Provides relative to disposition of juveniles after adjudication of certain felony-grade delinquent act. Proposed law amends present law to include the commitment of a juvenile to the DPS&C after an adjudication for the present law offense of carjacking (R.S. 14:64.2).	Defer to Family & Juvenile judges	No Position	
HB85 - MIKE JOHNSON	CRIME/MISDEMEANOR: Creates the crime of approaching a law enforcement officer lawfully engaged in law enforcement duties		No Position	
HB86 - HODGES	"Protect Teachers Act" - Proposed law provides immunity from civil liability and criminal prosecution for a teacher, principal, or administrator in a public school system or in an approved nonpublic school who intervenes and acts in justifiable defense to protect a student or a school employee from a battery or aggravated battery committed by one or more students unless the act of intervention was malicious and willfully and deliberately intended to cause bodily harm.		No Position	
HB90 - STEFANSKI	CRIMINAL: Proposed law provides that upon conviction of present law for an aggregate weight of less than 28 grams of fentanyl or carfentanil, the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000. Proposed law further provides that upon conviction of an aggregate weight of 28 grams or more, the offender shall be sentenced to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.	(See similar bill by Rep. Villio)	No Position	

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HB91 - GOUDEAU	CRIMINAL: "Cody's Law" - Provides relative to the penalties for the crime of vehicular homicide and requires the court to order restitution payments to the minor child of the victim of the offense.		No Position	
HB94 - BACALA	CRIMINAL: Creates the crime of theft of an automated teller machine and provides for criminal penalties.	(see companion bill – HB?)	No Position	
HB96 - THOMAS	CRIMINAL: Provides relative to penalties and responsive verdicts for negligent homicide.		No Position	
HB104 - ZERINQUE	BUDGET FOR JUDICIARY: Appropriates funds for FY 2023-2024 for expenses of the Louisiana Judiciary, including the supreme court, courts of appeal, district courts, Criminal Court of Orleans Parish, juvenile and family courts, and other courts (\$208 mill. Last year appropriation \$196.6 mill.)		Positive Effect	
HB106 - DUSTIN MILLER	CRIMINAL: Adds Xylazine to Schedule II of the Uniform Controlled Dangerous Substances Law		No Position	
HB108 - WILFORD CARTER	JUDICIAL: Provides for the composition of two election sections in the City Court of Lake Charles and provides for the assignment of judgeships to those election sections for election purposes. (Creates minority district.)	Local bill – Lake Charles redistricting	No Position	
HB109 - WILFORD CARTER	CRIMINAL: Provides that consideration shall be given to the presumption of innocence until the defendant is proven guilty when setting the amount of bail, and provides relative to the filing of motions to reduce the amount of bail. Provides motion to reduce bail to be heard “no more than 30 days after filing unless good cause shown.”	Concerns: presumption of innocence is always a presumption that a judge will consider. Question is whether this language overrides consideration of the weight of the evidence in setting bail. The 30 day requirement for the bail hearing might be problematic considering docket rotation. Judge Ansardi will talk to Rep. Carter.	Watch /consider taking a position	
HB130 - MCCORMICK	FIREARMS: Creates the "Defense of the Second Amendment Act" and provides relative to infringements on the right of a citizen to keep and bear arms. See also HB 299 (sets forth liability and		No Position	

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	monetary penalty for any judicial officer who enforces a law in violation of 2nd Amendment)			
HB131 - MCCORMICK	FIREARMS: Exempts certain persons from the crime of illegal carrying of weapons and removes the requirement that a person possess a permit issued by the state of La. in order to carry a concealed handgun in the state of La.		No Position	
HB135 - MIKE JOHNSON	ELECTIONS/COMMISSIONERS: Prohibits a registered sex offender or child predator from serving as a commissioner or watcher		No Position	
HB144 - THOMAS	CRIMINAL: Requires persons 21 years of age or older convicted of the offense of production or manufacturing of methamphetamine to register with local law enforcement agencies.		No Position	
HB147 - WRIGHT	PAROLE: Provides relative to the time period for disciplinary offenses prior to an offender being considered for parole		No Position	
HB149 - MARINO	SALARY/PER DIEM LEGISLATURE: Provides for the annual salary of members of the legislature.		No Position	
HB151 - WRIGHT	CORRECTIONS/PRISONERS: Provides relative to denial of parole		No Position	
HB152 - AMEDEE	FAMILY: Proposed constitutional amendment to add the fundamental right of parents to decide the nurture, education, care, custody, and control of their children.	Defer to Family & Juvenile judges		
HB158 - EDMONSTON	LIABILITY/CIVIL: Provides for a limitation of liability relative to the administration of pandemic disease vaccinations		No Position	
HB160 - HILFERTY	CHILDREN'S CODE: Provides relative to the rights of victims of alleged delinquent acts.	Defer to Family & Juvenile judges		
HB168 - LANDRY	COURT COST: Present law authorizes a person convicted of a violation of the Uniform Controlled Dangerous Substances Law to be assessed an additional \$100 as special costs of court to be used for the development or maintenance of Drug Abuse	More information needed - Judge Ansardi and Judge Enright will check the reason for this bill.	Watch/more information	

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	Resistance Education (D.A.R.E.) programs. Proposed law repeals present law.			
HB175 - BOYD	WEAPONS/FIREARMS: Prohibits carrying firearms into hospitals and mental health facilities		No Position	
HB176 - JEFFERSON	REAL ESTATE: Proposed law (C.C. Art. 520) provides for the transfer of ownership of movable property from a transferee who is not the owner of the property in certain limited circumstances.	Law Institute bill – consignment situation.	No Position	
HB178 - GREGORY MILLER	CIVIL – VENUE: Proposed law provides that actions against foreign or alien insurers may be filed under the general rules of venue (C.C.P. Art. 42-45), including the parish of East Baton Rouge, or under the exceptions to the general rules of venue (C.C.P. Arts. 71-78).	Watch	No Position/Watch	
HB179 - WHEAT	CRIMINAL: Prohibits the sale of certain e-liquid and vapor products. Present law provides for the prohibition of specific acts regarding the sale of tobacco products, alternative nicotine products, and vapor products. Proposed law retains present law, defines "characterizing flavor", and prohibits the sale or service of any e-liquid or vapor product containing a characterizing flavor		No Position	
HB184 - FRIEMAN	CHILDREN’S CODE: Permits the intervention of a family member or other interested party in a proceeding triggered by the removal of a child from his home including a child in need of care adjudication.	Defer to Juvenile & Family judges		
HB187 - FREEMAN	CRIMINAL: Provides for an additional exception that permits a law enforcement officer or agency to publish, release, or disseminate a booking photograph. Allows law enforcement to provide the mug shot of the arrested person to the victim if requested.		No Position	
HB188 - FRIEMAN	PAROLE: Provides relative to denial of parole for dangerous offenders		No Position	

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HB193 - CHARLES OWEN	COURTS/COURT REPORTERS: Provides relative to transcription fees charged by court reporters in the Thirtieth Judicial District (Raises per page transcription cost from \$1.50 to \$3.00 - \$6.00 for all criminal and civil transcripts. Did not go to Judicial Council first but provides for Council approval prior to instituting.)	Judge Koch will contact the judges in Leesville. Watch – more information	Watch	
HB194 - THOMPSON	CHILDREN’S CODE: Provides grandparents with post-adoption visitation rights regardless of the marital status of the parents of the adopted child.	Defer to Juvenile and Family judges	No Position	
HB195 - PIERRE	JUDGES: Clarifies interruptions of continuous service for the determination of city court chief judge. (Amends prior law spearheaded by Judge Saloom; comes out of Shreveport City Court but applies to all city courts.)	Council of Chief Judges will follow this bill. JE will watch and report.	No Position	
HB196 - BROWN	CIVIL: Proposed law (C.C.P. Art. 966(A)(4)(a)) adds to the documents listed under present law certified copies of public documents and public records and certified copies of insurance policies. Proposed law (C.C.P. Art. 966(A)(4)(b)) provides that any document previously filed into the record in support of or in opposition to the motion for summary judgment may be referenced in the motion or opposition if the party referencing the document furnishes to the court and the opposing party a copy of the document with the pertinent part designated and with the filing information. Among other things as well (Law Institute)	Law Institute Bill – judge would identify the documents taken into consideration for the ruling on the MSJ and provide that with the appeal record. Purpose is a cost-saving measure for lawyers and litigants when a matter goes up on appeal. The burden is on the litigant/lawyer to ensure that the record is complete.	No Position	
HB207 - SCHAMERHORN	CRIME/MISDEMEANOR: Establishes penalties associated with minors swimming in certain waterways without personal flotation devices		No Position	
HB208 - SEABAUGH	JUVENILES/JURISDICTION: Lowers the age for consideration as a juvenile in the criminal justice system		No Position	
HB211 - JORDAN	CONSTITUTIONAL AMENDMENT: Proposed constitutional amendment removes the exception		No Position	

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	allowing for the use of involuntary servitude as punishment for a crime. Proposed constitutional amendment provides that slavery and involuntary servitude are prohibited. Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2023.			
HB217 - LAFLEUR	COURTS: Provides relative to commissioners of the Nineteenth Judicial District Court (Increases number of commissioners from 2 to 4; received Judicial Council approval with caveat that salary of 90% of district judge's salary be paid entirely from local funds.)	Local bill to increase the commissioners in 19 th / received Judicial Council approval.	No Position	
HB220 - PRESSLY	PROPERTY/IMMOVABLE: Provides with respect to actions to determine ownership or possession	Watch – more information needed	Watch	
HB227 - GREEN	MTR VEHICLE/VIOLATIONS: Provides relative to uniform traffic citations. Proposed law retains present law and provides that an electronic signature from a notary or ex-officio notary is authorized for the purpose of present law.		No Position	
HB228 - GREEN	CRIMINAL/SENTENCING: Eliminates the death penalty		No Position	
HB229 - MAGEE	COURTS: Provides relative to electronic filings. Proposed law removes those requirements and instead requires LCRAA to provide for the infrastructure, governance, standard operating procedures, technology, and training to develop a statewide integrated electronic filing system. Proposed law defines "integrated electronic filing system" as electronic document filing, case management, and document and image management. Proposed law requires every clerk of court to have the integrated electronic filing system in place no later than Jan. 1, 2025. Proposed law requires LCRAA to use the filing fee collected by LCRAA to establish the integrated electronic filing		Watch	

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	system. Clerks unhappy b/c change membership to remove some clerks and add judges.			
HB230 - GREGORY MILLER	CIVIL/PROCEDURE: Provides for the continuous revision of the Code of Civil Procedure (Law Institute Bill)		No Position	
HB234 - FONTENOT	WEAPONS/HANDGUNS: Provides relative to the concealed carrying of firearms		No Position	
HB237 - SCHAMERHORN	CORRECTIONAL FACILITIES: Provides relative to certain activities regarding contraband		No Position	
HB265 - FONTENOT	CRIMINAL/RECORDS: Provides relative to release and dissemination of booking photographs of an arrested person.	Similar to other bill Idea was for bondsman to get a picture of the person being bonded out.	No Position	
HB266 - LANDRY	LIABILITY: Provides relative to the civil liability and criminal prosecution of certain pregnancy outcomes		No Position	
HB271 - NELSON	CRIMINAL/PROCEDURE: Provides relative to sequestration of jurors. Relative to sequestration of jurors and jury in noncapital cases, requires the jury to be sequestered during active deliberations and provides relative to the court's charge to suspend deliberations and separate without sequestration.	Judge Ansardi will talk to Loren Lampert re: alternate jurors. This allows judges to let jurors go home during deliberation if they are sequestered in non-capital case. May need to amend the bill to consider provision requiring release of alternate jurors upon start of deliberations.	Positive Effect	
HB286 - BOYD	CRIMINAL/RECORDS: Provides relative to expungements for certain amounts of possession of marijuana	May be a “clean slate” bill filed as a companion bill to this.	No Position	
HB290 - GREGORY MILLER	CIVIL: To amend and reenact R.S. 9:5605.2, relative to legal malpractice; to provide relative to a 3 limitation of recovery; to provide relative to the burden of proof; to provide for an 4 affirmative defense; to provide for an effective date; and to provide for related 5 matters.		No Position	
HB298 - HUGHES	CHILDREN/PARENTAL RIGHTS: Provides relative to parental rights in certain circumstances	Defer to Juvenile & Family judges		

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HB299 - MCCORMICK	WEAPONS/FIREARMS: Provides relative to enforcement of federal firearm laws		No Position	
HB300 - MUSCARELLO	JUDGES: Expands the role and responsibilities of the Judicial Council. Proposed law repeals present law and requires, beginning Jan. 2024, the council to review courts on a continual basis as follows: (1) The reviews will be conducted on the following three-year cycle: (a) 1st year - appellate courts. (b) 2nd year - districts courts. (c) 3rd year - other courts in the judicial branch and offices of commissioners, magistrates, and hearing officers in the judicial branch. (2) Judicial vacancies will be reviewed on an ongoing and continual basis. (3) The council will submit an annual evaluation report to the legislature by Feb. 15th for the courts reviewed in the previous calendar year. The report will include recommendations for creating or eliminating judgeships or judicial offices and splitting or merging courts. (4) New judgeship requests occurring outside the scheduled review and evaluation periods will be submitted to the council for review. The council will make a recommendation to the appropriate standing committees of the House or Senate as to the need for the new judgeship. Proposed law authorizes the council to take whatever action is necessary to determine appropriate work points for any level of court for which a caseload study has not been conducted in the previous three years. Proposed law requires the legislature to consider the recommendation of the council regarding an additional judgeship prior to acting upon any legislation. Proposed law clarifies that the legislature is not required to enact legislation or otherwise act upon any recommendation of the council. Proposed law requires the supreme court to assist the council in the review and evaluation process by adopting procedural and administrative rules to establish	<p>Judicial Structure Task Force will reconsider the bill proposal at the next meeting (April 20).</p> <p>Requires review of all courts in a 3 year cycle.</p> <p>The bill requires an annual review and report to legislature – infringes in a way on the independence of the judiciary.</p> <p>Takes away authority of budgetary control board and turns it over to the Council.</p> <p>City court Association will oppose this bill and Conference of Circuit Court of Appeal.</p> <p>Problem is that the bill seems to skip over the Task Force work.</p> <p>It’s unknown whether the NCSC will be finished its work by 2024 to institute the review.</p>	Negative Effect	

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	uniform data reporting standards required for all case filings and adjudications, including requirements for electronic filing and reporting. Proposed law further requires all clerks of courts to report all data requested to the council in the manner and form as directed by the council.			
HB304 - ORGERON	ELECTIONS/CANDIDATES: Prohibits an elected official who has retired or resigned from office from filling the vacancy his retirement or resignation created		No Position/ Watch	
HB305 - BROWN	COURTS: Provides relative to electronic signatures by judges (Replaces HB 63)		Positive Effect	
HB307 - ZERINGUE	JUDICIAL EXPENSE REIMBURSEMENT: Prohibits payment by any agency or entity of the state in excess of amounts established by the U.S. General Services Administration (USGA) for lodging, meals, and incidental expenses for such expenses for any officer or employee of any branch of state government. JUDICIAL BRANCH Present law (R.S. 13:1 et seq.) establishes general provisions governing the judicial officers and employees of the state court system. Except as otherwise provided in proposed law, proposed law prohibits any court authorized by present constitution (Art. V) or any state entity in the judicial branch from paying more for lodging, meals, or incidental expenses for any officer or employee than the rate established by the USGA for such expenses. Further provides an exception for a conference or meeting that has lodging reserved or recommended near the conference or meeting facility. In such case, if the officer or employee submits documentation proving that it would cost less to stay at the reserved or recommended lodging rather than elsewhere and commute, proposed law authorizes the officer or employee to be reimbursed the full reserved or	Problem is that the LASC sets the rate for the per diem that judges can spend.	Negative Effect	

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	recommended lodging rate even if it exceeds the USGA lodging rate for that locale.			
HB 317 RISER	CRIME: Creates the crime of criminal access of an automated teller machine			
HB 318 SELDERS HB 331 CARRIER	WEAPONS/FIREARMS: Provides relative to automatic weapons			
HB321 VILLIO	CRIMINAL/JUSTICE: Creates the Truth and Transparency in the Louisiana Criminal Justice System Pilot Program			
HB 328 SELDERS	CRIMINAL/MENTALCAPACITY: Provides relative to sentencing of a person with severe mental illness			
HB 337 Carpenter	Eliminates the minimum child support award in the child support guidelines.	Increases judicial discretion. Judge Baker indicates the bill is favorable.	Positive Effect	
HB 346 BOYD	ABORTION: Provides for exceptions to the abortion laws of this state relative to rape and incest			
HB 359 GREG MILLER	JUVENILES/JURISDICTION: Creates a Juvenile Justice District to include the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist			
Senate Bills				
SB14 - BERNARD	Proposed law adds 16 additional substances to Schedule I. Proposed law adds Daridorexant to Schedule IV and removes Fenfluramine. Proposed law adds Ganaxolone to Schedule V. Proposed law updates the structural language for stimulants and synthetic cannabinoids in Schedule I.		No Position	
SB31 - MIZELL	CRIMINAL JUSTICE. Creates database to track trafficking arrests, convictions, restitution, fines, and civil asset forfeiture.		No Position	

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SB48 - MORRIS	CRIMINAL PROCEDURE. Constitutional amendment to eliminate a judge's discretion to grant bail for certain offenses after conviction (Same as last year?)	Similar bill to what was proposed last year. The problem is that this bill infringes upon judges' discretion	Negative Effect	
SB49 - HEWITT	CRIMINAL: Proposed law provides increased penalties for the creation or operation of a clandestine laboratory for the unlawful manufacture of a substance containing fentanyl or carfentanil. Proposed law provides that on a first conviction, the defendant will be imprisoned for not less than 10 nor more than 40 years, at least 10 years to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined not more than \$50,000. Proposed law provides that on a second conviction, the defendant will be imprisoned for not less than 30 nor more than 40 years, at least 10 years to be served without benefit of parole, probation, or suspension of sentence, and in addition maybe fined of not more than \$500,000. Proposed law provides that on a third or subsequent conviction, the defendant will be imprisoned for not less than 99 years, to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined of not more than \$500,000.		No Position	
SB52 - GREGORY TARVER	ADMINISTRATIVE PROCEDURE. Provides for technical corrections beyond the authority of the Louisiana State Law Institute to certain citations in the Administrative Procedure Act as amended by Act 211 of the 2021 Regular Session and Act 663 of the 2022 Regular Session. (gov sig) (Law Institute)	This gives the Law Institute to make corrections to grammatical or punctuation errors in bill language	No Position	
SB54 - MORRIS	CRIMINAL PROCEDURE. Repeals provisions relative to police officers making arrests for certain misdemeanors and felonies.		No Position	

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SB55 - LUNEAU	SUCCESSIONS. Provides for procuration or mandate by a succession representative	Watch. Judge Balfour will check with Sen. Luneau	Watch	
SB63 - MIZELL	RELIGIOUS FREEDOMS/LIBERTIES. Constitutional Amendment to provide that the right of freedom of worship in churches or other places of worship is a fundamental right that is worthy of the highest order of protection.		No Position	
SB64 - FESI	CHILDREN. Creates Ezekiel's Law and provides relative to protecting children from abuse.		No Position	

Supplemental Compensation Board Bill – the bill takes away the Board; changes the reserve to \$750,000 and gives the authority to the Judicial Administrator of the Supreme Court (rather than the Board). Problem with the penalty provision in event that clerk doesn't remit the fees timely.

Supplemental Bill Review meeting:
Monday, April 10, 1:30 p.m.