

**THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**
FOURTH DAY'S PROCEEDINGS

**Fifty-Second Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, February 22, 2024

The Senate was called to order at 9:50 o'clock A.M. by Hon. J. Cameron Henry, Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

PRESENT

Mr. President	Fesi	Miller
Abraham	Fields	Mizell
Allain	Foil	Morris
Barrow	Harris	Owen
Bass	Hensgens	Pressly
Boudreaux	Hodges	Price
Bouie	Jackson-Andrews	Reese
Carter	Jenkins	Seabaugh
Cathy	Kleinpeter	Stine
Cloud	Lambert	Talbot
Connick	Luneau	Wheat
Coussan	McMath	Womack
Edmonds	Miguez	
Total - 38		

ABSENT

Duplessis
Total - 1

The President of the Senate announced there were 38 Senators present and a quorum.

Prayer

The prayer was offered by Senator Rick Edmonds, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Edmonds, the reading of the Journal was dispensed with and the Journal of February 21, 2024, was adopted.

**Senate Bills and Joint Resolutions on
Third Reading and Final Passage**

Motion

Senator Reese moved to suspend the rules to take up Senate Bill No. 8 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 8—

BY SENATOR REESE AND REPRESENTATIVES HORTON, MIKE
JOHNSON AND VILLIO

AN ACT

To amend and reenact R.S. 15:142(C) and (F), 143, 146(A), (B)(1) and (C), 147(A), the introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c), (d), (e) and (f), and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and (7) through (14), (F), (H), (I) and (J), 162, 163, 164(A), (C)(1), the introductory paragraph of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E), 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1) through (7), 185.3(A), the introductory paragraph of (B), (B)(6), (7), (11), (17), (18), and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the introductory paragraph of (B)(2), and (D), 185.7(B), 186.2(1) through (7), 186.3(A), the introductory paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A) and 186.5(D) and (E), to enact R.S. 15:164(B)(4) and to repeal R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 162.1, 168(F), and 185.9, relative to indigent defender representation; to create the office of the state public defender; to transfer authority from the Louisiana Public Defender Board to the office; to provide for powers, duties, and responsibilities of the office; to provide for rulemaking; to provide for the domicile of the office; to provide for offices and meetings; to provide for qualifications of executive staff; to provide for qualifications, powers, duties, and salary of the state public defender; to provide for district public defenders; to provide for methods of delivery of services; to provide for the Louisiana Public Defender Fund; to provide for the Judicial District Indigent Defender Fund; to provide for representation of capital defendants; to provide for disciplinary actions; to prohibit certain rights of action; to provide for special reporting requirements; to provide for certain proceedings; to provide for appointment of counsel under certain circumstances; to provide for reports; to provide for the Indigent Parents' Representation Program; to provide for standards and guidelines; to provide for the Safe Return Representation Program; to provide for the Safe Return Representation Program Fund; and to provide for related matters.

Floor Amendments

Senator Miller sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Miller on behalf of the Legislative Bureau to Engrossed Senate Bill No. 8 by Senator Reese

AMENDMENT NO. 1

On page 2, line 18, following "(B)(1)(a)," and before "(b)," insert "(B)(1)"

AMENDMENT NO. 2

On page 17, between lines 16 and 17, insert
** * **

AMENDMENT NO. 3

On page 24, line 11, delete
** * **

On motion of Senator Miller, the amendments were adopted.

On motion of Senator Reese, the amended bill was read by title and returned to its regular order on Third Reading and Final Passage.

Motion

Senator Cloud moved to suspend the rules to take up Senate Bill No. 4 out of its regular order.

Without objection, so ordered.

February 22, 2024

SENATE BILL NO. 4—

BY SENATOR CLOUD AND REPRESENTATIVES CREWS AND MIKE JOHNSON

AN ACT

To amend and reenact Children's Code Art. 897.1(B), (C), and (D), relative the sentencing of a juvenile after adjudication for certain offenses; and to provide for related matters.

Floor Amendments

Senator Miller sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Miller on behalf of the Legislative Bureau to Engrossed Senate Bill No. 4 by Senator Cloud

AMENDMENT NO. 1

On page 2, line 11, following "of this" and before "shall" change "Section" to "Article"

On motion of Senator Miller, the amendments were adopted.

On motion of Senator Cloud, the amended bill was read by title and returned to its regular order on Third Reading and Final Passage.

Motion

Senator Edmonds moved to suspend the rules to take up Senate Bill No. 7 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 7—

BY SENATOR EDMONDS AND REPRESENTATIVES MIKE JOHNSON AND WRIGHT

AN ACT

To amend and reenact R.S. 14:98.1(A)(1)(d) and (3)(c) and 98.2(A)(3)(c) and R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii), and (D)(1)(b), 667(B)(1)(a) and (3)(b) and (c) and (I)(a) and the introductory paragraph of 668(B)(1)(a), relative to ignition interlock devices; to make technical changes; to change criminal offenses for driving while intoxicated; to provide for a change in time periods that a driver is required to have an ignition interlock device; to provide relative to restricted driver's licenses; to extend the amount of time that a driver is required to have an ignition interlock device upon notice of noncompliance; to provide relative to first and second offense penalties for operating a vehicle while intoxicated; and to provide for related matters.

Floor Amendments

Senator Miller sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Miller on behalf of the Legislative Bureau to Engrossed Senate Bill No. 7 by Senator Edmonds

AMENDMENT NO. 1

On page 1, line 4, following "and (c) and" and before "and the introductory" change "(I)(a)" to "(I)(1)(a)"

On motion of Senator Miller, the amendments were adopted.

Floor Amendments

Senator Price proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Price to Engrossed Senate Bill No. 7 by Senator Edmonds

AMENDMENT NO. 1

On page 2, line 1, delete "shall" and insert "may"

AMENDMENT NO. 2

On page 2, line 2, after "probation," delete the remainder of the line and insert "or such shorter time as set by the court,"

Senator Price moved the adoption of the amendments.

Senator Edmonds objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Barrow, Boudreaux, Bouie, Carter, Total - 12; Coussan, Duplessis, Fields, Harris; Jackson-Andrews, Jenkins, Luneau, Price

NAYS

Table with 3 columns: Mr. President, Abraham, Allain, Bass, Cathey, Cloud, Connick, Edmonds, Fesi, Total - 27; Foil, Hensgens, Hodges, Kleinpeter, Lambert, McMath, Miguez, Miller, Mizell; Morris, Owen, Pressly, Reese, Seabaugh, Stine, Talbot, Wheat, Womack

ABSENT

Total - 0

The Chair declared the amendments were rejected.

Floor Amendments

Senator Morris proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Morris to Engrossed Senate Bill No. 7 by Senator Edmonds

AMENDMENT NO. 1

On page 1, line 5, after "668(B)(1)(a)" and before "," insert "and to enact R.S. 32:378.2(P)"

AMENDMENT NO. 2

On page 3, line 1, after "reenacted" insert "and R.S. 32:378.2(P) is hereby enacted"

AMENDMENT NO. 3

On page 3, after line 29, insert:

"P. No provision of this Section or any other law shall be construed to require the use of any particular vendor for ignition interlock devices."

* * *

On motion of Senator Morris, the amendments were adopted.

The bill was read by title. Senator Edmonds moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Edmonds	Miguez
Abraham	Fesi	Miller
Allain	Fields	Mizell
Barrow	Foil	Morris
Bass	Harris	Owen
Boudreaux	Hensgens	Pressly
Bouie	Hodges	Price
Carter	Jackson-Andrews	Reese
Cathey	Jenkins	Seabaugh
Cloud	Kleinpeter	Stine
Connick	Lambert	Talbot
Coussan	Luneau	Wheat
Duplessis	McMath	Womack
Total - 39		

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Edmonds moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Motion

Senator Mizell moved to suspend the rules to take up Senate Bill No. 9 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 9—

BY SENATOR MIZELL AND REPRESENTATIVES MIKE JOHNSON AND VENTRELLA

AN ACT

To amend and reenact Code of Criminal Procedure Art. 572(B)(1) and (2), relative to limitations upon institution of prosecutions; to provide relative to newly discovered photographic or video evidence of certain offenses; and to provide for related matters.

The bill was read by title. Senator Mizell moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Edmonds	Miguez
Abraham	Fesi	Miller
Allain	Fields	Mizell
Barrow	Foil	Morris
Bass	Harris	Owen
Boudreaux	Hensgens	Pressly
Bouie	Hodges	Price
Carter	Jackson-Andrews	Reese
Cathey	Jenkins	Seabaugh
Cloud	Kleinpeter	Stine
Connick	Lambert	Talbot
Coussan	Luneau	Wheat
Duplessis	McMath	Womack
Total - 39		

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the bill was passed and ordered it sent to the House. Senator Mizell moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Motion

Senator Cloud moved to suspend the rules to take up Senate Bill No. 3 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 3—

BY SENATOR CLOUD AND REPRESENTATIVES CREWS AND MIKE JOHNSON

AN ACT

To amend and reenact Children's Code Art. 804(1), relative to delinquency proceedings and juvenile court jurisdiction; to amend the definition of "child" for purposes of delinquency proceedings; and to provide for related matters.

Floor Amendments

Senator Jackson-Andrews proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson-Andrews to Engrossed Senate Bill No. 3 by Senator Cloud

AMENDMENT NO. 1

On page 2, between lines 7 and 8, insert

"(d) After adjudication of a delinquent act, a child between the ages of seventeen and twenty-one sentenced to incarceration as an adult shall be housed in either a special facility, or separate secure placement wing of an existing facility that is isolated from the general population.

(e) A child subject to the provisions of Subsubparagraph (d) of this Subparagraph shall not be eligible for transfer to a facility or wing that houses persons over the age of twenty-one until he has reached eighteen years of age."

On motion of Senator Jackson-Andrews the amendments were withdrawn.

Floor Amendments

Senator Jackson-Andrews proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson-Andrews to Engrossed Senate Bill No. 3 by Senator Cloud

AMENDMENT NO. 1

On page 2, between lines 7 and 8, insert

"(d) After adjudication of a delinquent act, a child between the ages of seventeen and eighteen sentenced to incarceration as an adult shall be housed in either a special facility, or separate secure placement wing of an existing facility that is isolated from the general population.

(e) A child subject to the provisions of Subsubparagraph (d) of this Subparagraph shall not be eligible for transfer to a facility or wing that houses persons over the age of twenty-one until he has reached eighteen years of age."

Senator Jackson-Andrews moved the adoption of the amendments.

Senator Cloud objected.

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ROLL CALL

The roll was called with the following result:

YEAS

Barrow Connick Jackson-Andrews
Boudreaux Duplessis Jenkins
Bouie Fields Luneau
Carter Harris Price
Total - 12

NAYS

Mr. President Foil Morris
Abraham Hensgens Owen
Allain Hodges Pressly
Bass Kleinpeter Reese
Cathey Lambert Seabaugh
Cloud McMath Stine
Coussan Miguez Talbot
Edmonds Miller Wheat
Fesi Mizell Womack
Total - 27

ABSENT

Total - 0

The Chair declared the amendments were rejected.

Floor Amendments

Senator Carter proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Carter to Engrossed Senate Bill No. 3 by Senator Cloud

AMENDMENT NO. 1

On page 2, between lines 7 and 8, insert

"(d) A child who is adjudicated pursuant to this Article shall be provided with educational services, vocational training, and with counseling."

Senator Carter moved the adoption of the amendments.

Senator Cloud objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barrow Fields Mizell
Boudreaux Harris Price
Bouie Jackson-Andrews Wheat
Carter Jenkins
Duplessis Luneau
Total - 13

NAYS

Mr. President Fesi Owen
Abraham Foil Pressly
Allain Hensgens Reese
Bass Hodges Seabaugh
Cathey Kleinpeter Stine
Cloud Lambert Talbot
Connick Miguez Womack
Coussan Miller
Edmonds Morris
Total - 25

ABSENT

McMath
Total - 1

The Chair declared the amendments were rejected.

The bill was read by title. Senator Cloud moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Foil Morris
Abraham Hensgens Owen
Allain Hodges Pressly
Bass Kleinpeter Price
Cathey Lambert Reese
Cloud Luneau Seabaugh
Connick McMath Stine
Coussan Miguez Talbot
Edmonds Miller Wheat
Fesi Mizell Womack
Total - 30

NAYS

Barrow Carter Harris
Boudreaux Duplessis Jackson-Andrews
Bouie Fields Jenkins
Total - 9

ABSENT

Total - 0

The Chair declared the bill was passed and ordered it sent to the House. Senator Cloud moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Motion

Senator Cathey moved to suspend the rules to take up Senate Bill No. 11 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 11— BY SENATOR CATHEY

AN ACT

To amend and reenact Children's Code Art. 804(1), relative to delinquency proceedings and juvenile court jurisdiction; to amend the definition of "child" for purposes of delinquency proceedings; and to provide for related matters.

Floor Amendments

Senator Carter proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Carter to Engrossed Senate Bill No. 11 by Senator Cathey

AMENDMENT NO. 1

On page 2, between lines 7 and 8, insert:

"(d) A child who is adjudicated pursuant to this Article shall be offered education services, vocational training, and counseling."

On motion of Senator Carter, the amendments were adopted.

The bill was read by title. Senator Cathey moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fesi	Miller
Abraham	Fields	Mizell
Allain	Foil	Morris
Bass	Harris	Owen
Boudreaux	Hensgens	Pressly
Carter	Hodges	Price
Cathey	Kleinpeter	Reese
Cloud	Lambert	Seabaugh
Connick	Luneau	Stine
Coussan	McMath	Talbot
Edmonds	Miguez	Womack
Total - 33		

NAYS

Barrow	Duplessis
Bouie	Jenkins
Total - 4	

ABSENT

Jackson-Andrews	Wheat
Total - 2	

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Cathey moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Recess

On motion of Senator Henry, the Senate took a recess at 12:09 o'clock P.M. until 1:00 o'clock P.M.

After Recess

The Senate was called to order at 1:14 o'clock P.M. by the President of the Senate.

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Fesi	Miller
Allain	Fields	Mizell
Bass	Harris	Morris
Boudreaux	Hensgens	Pressly
Bouie	Hodges	Price
Carter	Jenkins	Reese
Cathey	Kleinpeter	Seabaugh
Cloud	Lambert	Stine
Connick	Luneau	Talbot
Coussan	McMath	Wheat
Duplessis	Miguez	Womack
Total - 33		

ABSENT

Abraham	Edmonds	Jackson-Andrews
Barrow	Foil	Owen
Total - 6		

The President of the Senate announced there were 33 Senators present and a quorum.

Senate Business Resumed After Recess

Motion

Senator Cathey moved to suspend the rules to take up Senate Bill No. 10 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 10—

BY SENATOR CATHEY

AN ACT

To amend and reenact R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and (F) and to enact R.S. 15:571.3(G), relative to diminution of a sentence for good behavior; to provide for reduction of good time credit for offenders convicted in the death of a peace officer or first responder; and to provide for related matters.

Floor Amendments

Senator Cathey proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cathey to Engrossed Senate Bill No. 10 by Senator Cathey

AMENDMENT NO. 1

On page 1, line 13, after "second" and before "time" insert "or subsequent"

On motion of Senator Cathey, the amendments were adopted.

The bill was read by title. Senator Cathey moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fesi	Miller
Abraham	Fields	Mizell
Allain	Foil	Morris
Bass	Hensgens	Pressly
Boudreaux	Hodges	Reese
Cathey	Jackson-Andrews	Seabaugh
Cloud	Kleinpeter	Stine
Connick	Lambert	Talbot
Coussan	McMath	Wheat
Edmonds	Miguez	Womack
Total - 30		

NAYS

Barrow	Duplessis	Price
Bouie	Harris	
Carter	Jenkins	
Total - 7		

ABSENT

Luneau	Owen
Total - 2	

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Cathey moved to reconsider the vote by which the bill was passed and laid the motion on the table.

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Motion

Senator Miguez moved to suspend the rules to take up Senate Bill No. 1 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 1—

BY SENATORS MIGUEZ, BASS, HODGES, KLEINPETER, MORRIS AND SEABAUGH AND REPRESENTATIVES HORTON AND MIKE JOHNSON AN ACT

To amend and reenact R.S. 14:95(M) and R.S. 40:1379.3(B)(2)(a), (M), and (O) and to enact R.S. 14:95(N), relative to illegal carrying of weapons; to provide that law-abiding persons eighteen years of age and not otherwise prohibited may carry a concealed weapon lawfully without a permit; and to provide for related matters.

Floor Amendments

Senator Miguez proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Miguez to Engrossed Senate Bill No. 1 by Senator Miguez

AMENDMENT NO. 1

On page 3, line 19, change "April 19, 2024" to "July 4, 2024."

On motion of Senator Miguez, the amendments were adopted.

Floor Amendments

Senator Barrow proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barrow to Engrossed Senate Bill No. 1 by Senator Miguez

AMENDMENT NO. 1

On page 1, delete line 13 and insert "(1) The person is twenty-one years of age or older ~~and~~

Senator Barrow moved the adoption of the amendments.

Senator Miguez objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Barrow, Boudreaux, Bouie, Carter, Total - 12; Connick, Duplessis, Fields, Harris; Jackson-Andrews, Jenkins, Luneau, Price

NAYS

Table with 3 columns: Mr. President, Abraham, Allain, Bass, Cathey, Cloud, Coussan, Edmonds, Fesi, Total - 27; Foil, Hensgens, Hodges, Kleinpeter, Lambert, McMath, Miguez, Miller, Mizell; Morris, Owen, Pressly, Reese, Seabaugh, Stine, Talbot, Wheat, Womack

ABSENT

Total - 0

The Chair declared the amendments were rejected.

Floor Amendments

Senator Barrow proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barrow to Engrossed Senate Bill No. 1 by Senator Miguez

AMENDMENT NO. 1

On page 1, line 11, after "M." insert "(1)"

AMENDMENT NO. 2

On page 1, between lines 16 and 17, insert the following:

"(2) A person who is prohibited from possessing a firearm pursuant to R.S. 14:95.1 shall have their right to possess and carry a firearm in accordance with this Paragraph restored upon successful completion of probation or any other terms of sentence."

On motion of Senator Barrow the amendments were withdrawn.

Floor Amendments

Senator Bouie proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bouie to Engrossed Senate Bill No. 1 by Senator Miguez

AMENDMENT NO. 1

On page 1, line 3, after "R.S. 14:95(N)" insert "and (O)"

AMENDMENT NO. 2

On page 1, line 5, after "permit;" insert "to provide relative to concealed carry of a handgun in Orleans Parish;"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 14:95(N)" delete "is" and insert "and (O) are"

AMENDMENT NO. 4

On page 2, between lines 21 and 22, insert the following:

"(O) Notwithstanding any other provision of law to the contrary, no person shall conceal carry a handgun in the parish of Orleans without possessing a valid concealed handgun permit issued in accordance with R.S. 40:1379.3 until after April 19, 2026."

Senator Bouie moved the adoption of the amendments.

Senator Miguez objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Barrow, Boudreaux, Bouie, Carter, Total - 10; Duplessis, Fields, Harris, Jenkins; Luneau, Price

NAYS

Mr. President	Foil	Morris
Abraham	Hensgens	Owen
Allain	Hodges	Pressly
Bass	Jackson-Andrews	Reese
Cathay	Kleinpeter	Seabaugh
Cloud	Lambert	Stine
Connick	McMath	Talbot
Coussan	Miguez	Wheat
Edmonds	Miller	Womack
Fesi	Mizell	
Total - 29		

ABSENT

Total - 0

The Chair declared the amendments were rejected.

Floor Amendments

Senator Carter proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Carter to Engrossed Senate Bill No. 1 by Senator Miguez

AMENDMENT NO. 1

On page 1, line 2, at the end of the line after "enact" insert "Code of Criminal Procedure Art. 67 and"

AMENDMENT NO. 2

On page 1, delete line 3 and insert "R.S. 14:95(N) and (O), relative to carrying concealed weapons; to provide that law-abiding"

AMENDMENT NO. 3

On page 1, line 5, after "permit;" insert "to provide relative to court orders prohibiting possession of firearms by certain persons;"

AMENDMENT NO. 4

On page 1, line 7, after "R.S. 14:95(N)" delete "is" and insert "and (O) are"

AMENDMENT NO. 5

On page 1, delete line 15 and insert "14:95.1, R.S. 40.1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state or"

AMENDMENT NO. 6

On page 2, between lines 21 and 22, insert the following:

"O. The provisions of Subsection M of this Section shall not apply to any person:

- (1) Prohibited from lawfully purchasing a weapon.**
- (2) Prohibited from lawfully possessing a weapon.**
- (3) Subject to a court order as provided in Code of Criminal Procedure Article 67."**

AMENDMENT NO. 7

On page 3, delete line 19 and insert the following:

"Section 3. Code of Criminal Procedure Article 67 is hereby enacted to read as follows:

Art. 67. Petition by district attorney; conceal carry prohibited
A. Upon petition to a district court by any district attorney or assistant district attorney, the court may issue an order prohibiting any person from carrying a concealed weapon when the petitioner has probable cause to believe all of the following:

- (1) The person poses a risk of imminent personal injury to himself or to another person.**
- (2) The person owns and possesses one or more firearms.**
- (3) The firearm or firearms are either within or upon a specified place, thing, or person.**

B. No district attorney or assistant district attorney shall petition the court pursuant to the provisions of this Article unless he has conducted an independent investigation and has

determined that the probable cause set forth in Paragraph A of this Article exists and that there is no reasonable alternative available to prevent the person from causing imminent personal injury to himself or to others with such firearm.

C. The court may issue an order pursuant to the provisions of this Article only upon the sworn affidavit of the petitioner before the court that includes the facts establishing the grounds for the issuance of the order.

D.(1) In determining whether the grounds for the petition exist or whether there is probable cause to believe that the grounds exist, the court shall consider the following:

- (a) Past threats or acts of violence by the person directed toward another person or persons.**
- (b) Past threats or acts of violence by the person directed toward himself.**
- (c) Past acts of cruelty to animals, as defined by R.S. 14:102 and 102.1, committed by such person.**

(2) In evaluating whether any recent threats or acts or violence constitute probable cause to believe that the person poses a risk of imminent personal injury to himself or to another person or persons, the court may consider other factors including but not limited to the following:

- (a) The reckless use, display, or brandishing of a firearm by the person.**
- (b) A history of the use, attempted use, or threatened use of physical force by the person against another person or persons.**

(c) Prior involuntary admission of the person to a treatment facility, as defined in R.S. 28:2, for persons with mental illness or substance-related or addictive disorders.

(d) The illegal use of controlled dangerous substances or abuse of alcohol by the person.

(3) If the court is satisfied that the grounds for the petition exist or that there is probable cause to believe that they exist, the court shall issue an order naming and describing the person. The order shall be directed to any peace officer and shall state the grounds or probable cause for its issuance. A copy of the order shall be given to the person named in the order together with a notice informing the person that he has the right to a hearing under this Article and the right to be represented by counsel at such hearing.

E. The petitioner shall file a copy of the petition for the order and all affidavits upon which the petition is based with the clerk of court for the district court no later than the next business day following the execution of the petition. Prior to the execution and return of the petition, the clerk of the court shall not disclose any information pertaining to the petition on any affidavits upon which the order is based.

F.(1) At the hearing, the state shall have the burden of proving all material facts by clear and convincing evidence.

(2)(a) If, after the hearing, the court finds by clear and convincing evidence that the person poses a risk of imminent personal injury to himself or to another person or persons, the court shall order that the person may not carry or possess a weapon. The court shall report the name and other identifying information of the person to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database pursuant to R.S. 13:753. Upon expiration or termination of the order, the court shall inform the Louisiana Supreme Court who shall cause the record to be removed from the National Instant Criminal Background Check System.

(b) At any time prior to the expiration of the period of time the person is prohibited from carrying or possessing a firearm pursuant to the provisions of this Subparagraph, but no more than once annually, the person subject to the order may file a motion to modify the effective period of the prohibition. Upon proof, by clear and convincing evidence, that the person no longer poses a risk of imminent personal injury to himself or to another person or persons the court may terminate the order and, upon confirming that the person is not otherwise prohibited from carrying or possessing firearms by any state or federal law, such person may carry or possess only by permit.

(3) If the court does not find, by clear and convincing evidence, that the person poses a risk of imminent personal

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injury to himself or to another person or persons, the court shall deny the petition.

(4) Upon a finding that the person poses a risk of imminent personal injury to himself or to another person or persons, the court may order that the person be taken into protective custody and transported to a treatment facility pursuant to R.S. 28:53.2 for immediate examination.

(5) At any time prior to thirty days before the order ends, the district attorney or assistant district attorney may by motion request to extend the order issued pursuant to Subparagraph (F)(2) of this Article. Upon receiving a motion to extend, the court shall schedule a hearing to be held no later than fourteen days after receiving the motion. A copy of the hearing notice shall be given to the person named in the order together with a notice informing the person that he has the right to a hearing under this Article and the right to be represented by counsel at such hearing. If at the hearing the court finds by clear and convincing evidence that the person continues to pose a risk of imminent personal injury to himself or to another person or persons, the court shall extend the order for a period not to exceed one year.

G.(1) No later than thirty days prior to the expiration of the order prohibiting the person from carrying or possessing a firearm or the extension of such order pursuant to the provisions of this Section, the district attorney or assistant district attorney may petition the court to extend the order prohibiting the carrying or possession of firearms by the person if the district attorney or assistant district attorney has probable cause to believe that the person continues to pose a risk of imminent personal injury to himself or to another person.

(2) Taking into consideration the factors set forth in Paragraph D of this Article, if the court finds that there is probable cause to believe that the grounds for the petition exist, the court shall set a contradictory hearing to be held not later than fourteen days of the filing of the petition.

(3) If, after the hearing, the court finds by clear and convincing evidence that the person continues to pose a risk of imminent personal injury to himself or to another person or persons, the court shall order that the order prohibiting the person from carrying or possessing a firearm be extended for an additional period of time not to exceed six months. The court shall report the extension of the order to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database pursuant to R.S. 13:753.

Section 4. This Act shall take effect and become operative if and when the Act which originated as Senate Bill No. 1 of this 2024 Second Extraordinary Regular Session of the Legislature is enacted and becomes effective."

Senator Carter moved the adoption of the amendments.

Senator Miguez objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barrow	Duplessis	Jenkins
Boudreaux	Fields	Luneau
Bouie	Harris	Price
Carter	Jackson-Andrews	
Total - 11		

NAYS

Mr. President	Foil	Owen
Abraham	Hensgens	Pressly
Allain	Hodges	Reese
Bass	Kleinpeter	Seabaugh
Cathey	Lambert	Stine
Cloud	McMath	Talbot
Connick	Miguez	Wheat
Coussan	Miller	Womack
Edmonds	Mizell	

Fesi	Morris
Total - 28	ABSENT

Total - 0

The Chair declared the amendments were rejected.

The bill was read by title. Senator Miguez moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Owen
Abraham	Hensgens	Pressly
Allain	Hodges	Reese
Bass	Kleinpeter	Seabaugh
Cathey	Lambert	Stine
Cloud	McMath	Talbot
Connick	Miguez	Wheat
Coussan	Miller	Womack
Edmonds	Mizell	
Fesi	Morris	
Total - 28		

NAYS

Barrow	Duplessis	Jenkins
Boudreaux	Fields	Price
Bouie	Harris	
Carter	Jackson-Andrews	
Total - 10		

ABSENT

Luneau
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Miguez moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Motion

Senator Miguez moved to suspend the rules to take up Senate Bill No. 2 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 2—

BY SENATORS MIGUEZ AND BASS AND REPRESENTATIVES BEAULLIEU AND MIKE JOHNSON
AN ACT

To enact R.S. 9:2793.12, relative to liability of persons authorized to carry a concealed handgun; to provide with respect to persons authorized to own, possess, use, or carry a concealed handgun; to provide relative to immunity from civil liability; to provide for definitions; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Floor Amendments

Senator Connick proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Connick to Engrossed Senate Bill No. 2 by Senator Miguez

AMENDMENT NO. 1

On page 1, delete lines 12 and 13 and insert "**person with a valid concealed handgun permit issued pursuant to R.S. 40:1379.1, 1379.1.1, 1379.3, or 1379.3.2 or any qualified law enforcement officer authorized to carry a concealed handgun pursuant to R.S. 40:1379.1.3 or 1379.1.4.**"

AMENDMENT NO. 2

On page 1, line 14 after "**shall**" delete the remainder of the line and delete lines 15 and 16 in their entirety and insert the following: "**it be liable for damages for any injury, death, or loss suffered by a perpetrator when the injury, death, or loss is caused by a justified use of force or self-defense through the discharge of the handgun by the authorized person. This provision shall preclude any right of action by the perpetrator, his survivors, or his heirs.**"

AMENDMENT NO. 3

On page 2, delete lines 12 through 16 in their entirety and insert the following:

"Section 2. This Act shall become effective July 4, 2024."

On motion of Senator Connick, the amendments were adopted.

The bill was read by title. Senator Miguez moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Morris
Allain	Hensgens	Owen
Bass	Hodges	Pressly
Cathey	Kleinpeter	Reese
Cloud	Lambert	Seabaugh
Connick	McMath	Stine
Coussan	Miguez	Talbot
Edmonds	Miller	Wheat
Fesi	Mizell	Womack
Total - 27		

NAYS

Barrow	Duplessis	Jenkins
Boudreaux	Fields	Luneau
Bouie	Harris	Price
Carter	Jackson-Andrews	
Total - 11		

ABSENT

Abraham
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Miguez moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Motion

Senator McMath moved to suspend the rules to take up Senate Bill No. 5 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 5—

BY SENATOR MCMATH AND REPRESENTATIVES FONTENOT AND MIKE JOHNSON

AN ACT

To amend and reenact R.S. 15:574.2(C) and (D)(8) and (9) and 574.4.1(A)(1) and (D)(1) and to enact R.S. 15:574.4.1(E), relative to parole; to provide relative to parole procedures; to provide relative to the votes required for parole decisions; to

provide relative to victim and law enforcement notification; and to provide for related matters.

Floor Amendments

Senator McMath proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McMath to Engrossed Senate Bill No. 5 by Senator McMath

AMENDMENT NO. 1

On page 5, line 13, after "August 1, 2024," insert "**except as provided in Subparagraph (c) of this Paragraph.**"

AMENDMENT NO. 2

On page 5, between lines 16 and 17, insert the following:

"**(c) Notwithstanding any other provision of law to the contrary, beginning on August 1, 2024, the committee shall not consider a parole rehearing of any prisoner who is serving a sentence for a first offense crime of violence, as defined in R.S. 14:2(B), that is not first degree murder, second degree murder, first degree rape, second degree rape, third degree rape, or crime against nature pursuant to R.S. 14:89(A)(2) until at least three years after the denial of parole.**"

On motion of Senator McMath, the amendments were adopted.

The bill was read by title. Senator McMath moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Owen
Abraham	Hensgens	Pressly
Allain	Hodges	Reese
Bass	Kleinpeter	Seabaugh
Cathey	Lambert	Stine
Cloud	McMath	Talbot
Connick	Miguez	Wheat
Coussan	Miller	Womack
Edmonds	Mizell	
Fesi	Morris	
Total - 28		

NAYS

Barrow	Duplessis	Jenkins
Boudreaux	Fields	Luneau
Bouie	Harris	Price
Carter	Jackson-Andrews	
Total - 11		

ABSENT

Total - 0

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator McMath moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Motion

Senator Reese moved to suspend the rules to take up Senate Bill No. 8 out of its regular order.

Without objection, so ordered.

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SENATE BILL NO. 8—

BY SENATOR REESE AND REPRESENTATIVES HORTON, MIKE JOHNSON AND VILLIO

AN ACT

To amend and reenact R.S. 15:142(C) and (F), 143, 146(A), (B)(1) and (C), 147(A), the introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c), (d), (e) and (f), and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and (7) through (14), (F), (H), (I) and (J), 162, 163, 164(A), (C)(1), the introductory paragraph of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E), 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1) through (7), 185.3(A), the introductory paragraph of (B), (B)(6), (7), (11), (17), (18), and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the introductory paragraph of (B)(2), and (D), 185.7(B), 186.2(1) through (7), 186.3(A), the introductory paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A) and 186.5(D) and (E), to enact R.S. 15:164(B)(4) and to repeal R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 162.1, 168(F), and 185.9, relative to indigent defender representation; to create the office of the state public defender; to transfer authority from the Louisiana Public Defender Board to the office; to provide for powers, duties, and responsibilities of the office; to provide for rulemaking; to provide for the domicile of the office; to provide for offices and meetings; to provide for qualifications of executive staff; to provide for qualifications, powers, duties, and salary of the state public defender; to provide for district public defenders; to provide for methods of delivery of services; to provide for the Louisiana Public Defender Fund; to provide for the Judicial District Indigent Defender Fund; to provide for representation of capital defendants; to provide for disciplinary actions; to prohibit certain rights of action; to provide for special reporting requirements; to provide for certain proceedings; to provide for appointment of counsel under certain circumstances; to provide for reports; to provide for the Indigent Parents' Representation Program; to provide for standards and guidelines; to provide for the Safe Return Representation Program; to provide for the Safe Return Representation Program Fund; and to provide for related matters.

Floor Amendments

Senator Reese proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Reese to Engrossed Senate Bill No. 8 by Senator Reese

AMENDMENT NO. 1

On page 1, line 15, after "186.4(A)" change "and" to a comma, " and after "(E)," and before "to enact" insert "and R.S. 36:4(B)(21),"

AMENDMENT NO. 2

On page 2, line 28, after "186.4(A)" change "and" to a comma, " and after "(E)" and before "are" insert " and R.S. 36:4(B)(21)"

AMENDMENT NO. 3

On page 44, between lines 14 and 15 insert: "Section 2. R.S. 36:4(B)(21) is hereby amended and reenacted to read as follows:

§4. Structure of executive branch of state government

B. The office of the governor shall be in the executive branch of state government. The governor may allocate within his office the powers, duties, funds, functions, appropriations, responsibilities, and personnel of the agencies within his office and provide for the administration thereof and for the organization of his office. The

following agencies and their powers, duties, functions, and responsibilities are hereby transferred to the office of the governor:

* * *

(21) The Louisiana Public Defender Oversight Board (R.S. 15:141 et seq.) shall be placed within the office of the governor as an independent agency and shall exercise its powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:801.1.

AMENDMENT NO. 4

On page 44, at the beginning of line 15, change "Section 2." to "Section 3."

AMENDMENT NO. 5

On page 44, at the beginning of line 17, change "Section 3." to "Section 4."

AMENDMENT NO. 6

On page 44, at the beginning of line 20, change "Section 4." to "Section 5."

AMENDMENT NO. 7

On page 44, at the beginning of line 24, change "Section 5." to "Section 6."

On motion of Senator Reese, the amendments were adopted.

Floor Amendments

Senator Reese proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Reese to Engrossed Senate Bill No. 8 by Senator Reese

AMENDMENT NO. 1

On page 1, line 2, after "146(A), (B)" delete "(1)" and insert " ,"

AMENDMENT NO. 2

On page 1, line 10, after "185.2(1)" delete "through (7)," and insert " , (4), (7), (8), and (9),"

AMENDMENT NO. 3

On page 1, line 13, after "186.2(1)" delete "through (7)," and insert " , (6), (7), and (8),"

AMENDMENT NO. 4

On page 1, line 15, after "15:164(B)(4)" insert " , 185.2(10), and 186.2(9),"

AMENDMENT NO. 5

On page 2, at the end of line 2, after "office;" insert the following: "to provide for the creation of the Louisiana Public Defender Oversight Board; to provide for duties and responsibilities of the board;"

AMENDMENT NO. 6

On page 2, line 16, after "146(A), (B)" delete "(1)" and insert " ,"

AMENDMENT NO. 7

On page 2, line 24, after "185.2(1)" delete "through (7)," and insert " , (4), (7), (8), and (9),"

AMENDMENT NO. 8

On page 2, line 26, after "186.2(1)" delete "through (7)," and insert " , (6), (7), and (8),"

AMENDMENT NO. 9

On page 2, line 28, after "15:164(B)(4)" insert " , 185.2(10), and 186.2(9) are"

AMENDMENT NO. 10

On page 2, at the beginning of line 29, before "hereby enacted" delete "is"

AMENDMENT NO. 11

On page 5, line 10, after "governor" insert ", subject to approval of a majority of the board and Senate confirmation."

AMENDMENT NO. 12

On page 6, delete lines 11 through 14, and insert the following:

"B.(1) The Louisiana Public Defender Oversight Board is hereby created and established to provide supervision and oversight to the office of the state public defender. The board shall consist of ~~eleven~~ nine members.

(2) Persons appointed to the board shall have ~~significant experience in the defense of criminal proceedings or shall have demonstrated a strong commitment to quality representation in indigent defense matters. No person shall be appointed to the board who has received compensation to be an elected judge, elected official, judicial officer, prosecutor, law enforcement official, indigent defense provider, or employees of all such persons, within a two-year period prior to appointment. No active part-time, full-time, contract or court-appointed indigent defense provider, or active employees of such persons, may be appointed to serve on the board as a voting member. No person having an official responsibility to the board, administratively or financially, or their employee shall be appointed to the board during their term of office. The majority of board members shall be current members of the Louisiana State Bar Association. Representatives of the client community shall not be prohibited from serving as voting members of the board~~ been admitted to the practice of law in this state for at least eight years or have been a judge in this state.

(3) The members shall be selected as follows:

(a) The governor shall appoint ~~five~~ four members, ~~one from each appellate court district, and shall designate the chairman.~~

(b) ~~The five members~~ One member shall be appointed from a list of three nominees submitted to the governor by a majority of the district public defenders providing public defender services in ~~each appellate district~~ this state.

(c) ~~The chief justice of the Supreme Court of Louisiana shall by majority vote appoint~~ four ~~two~~ members, one member shall be a juvenile justice advocate; ~~and one member shall be a retired judge with criminal law experience; and two members shall be at large.~~

(d) The president of the Senate and the speaker of the House of Representatives shall each appoint one member.

(e) All appointments to the board shall be subject to confirmation by the Senate.

(4) A vacancy on the board shall be filled in the same manner as the original appointment.

(5) Members of the board shall serve ~~staggered~~ terms of four years concurrent with that of the governor appointing him."

AMENDMENT NO. 13

On page 15, delete line 27, and insert the following:

"(2) Develop ~~and~~ present for the board's approval, and implement a strategic plan"

AMENDMENT NO. 14

On page 16, delete line 22, and insert the following:

"(8) Prepare and submit to the board an annual report of the indigent defender"

AMENDMENT NO. 15

On page 16, delete line 29, and insert the following:

"(11) Assist the board in the adoption of rules as provided for in R.S."

AMENDMENT NO. 16

On page 17, delete line 4, and insert the following:

"(13) Assist the board in establishing the standards and guidelines,"

AMENDMENT NO. 17

On page 18, line 3, after "adopted by the" insert "board." and delete line 4

AMENDMENT NO. 18

On page 18, delete lines 6 and 7, and insert the following: "adopted by rule by the board."

AMENDMENT NO. 19

On page 18, delete line 12, and insert the following: "the board; and state public defender; ~~and regional director, where applicable, for~~"

AMENDMENT NO. 20

On page 18, delete lines 18 and 19, and insert the following: "the district for submission to the board for board approval. The ~~regional director, where applicable, or the~~ board shall consider any delivery model in"

AMENDMENT NO. 21

On page 18, delete line 22, and insert the following: "services in accordance with applicable rules adopted by the board and as required"

AMENDMENT NO. 22

On page 19, delete line 2, and insert the following: "~~director, where applicable, the~~ state public defender; and the board on any matter"

AMENDMENT NO. 23

On page 19, line 10, after "office shall" change "establish" to "set"

AMENDMENT NO. 24

On page 19, line 11, after "defender" and before the semi-colon ";", insert the following: "according to a compensation plan established by the board"

AMENDMENT NO. 25

On page 19, at the end of line 21, after "15:162" delete "; or" and add a period "."

AMENDMENT NO. 26

On page 19, at the end of line 23, after "districts" delete "; or" and add a period "."

AMENDMENT NO. 27

On page 20, line 27, after "(2)", delete the remainder of the line, delete lines 28 and 29, and on page 21, delete line 1 through 3

AMENDMENT NO. 28

On page 21, at the beginning of line 4, delete "(3)"

AMENDMENT NO. 29

On page 21, line 8, after "Defender" insert "Oversight"

AMENDMENT NO. 30

On page 23, line 2, after "district" delete "; or" and add a period "."

AMENDMENT NO. 31

On page 23, line 7, after "office" delete "; or" and add a period "."

AMENDMENT NO. 32

On page 26, line 9, after "fixed by the" delete "office" and insert "board"

AMENDMENT NO. 33

On page 26, line 10, after "rule by the" delete "office" and insert "board"

AMENDMENT NO. 34

On page 26, at the end of line 24, after "unacceptable, the" delete "office" and insert "board"

AMENDMENT NO. 35

On page 30, line 3, after "defendant" delete the remainder of the line and at the beginning of line 4, delete "office shall adopt rules"

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AMENDMENT NO. 36

On page 31, line 23, change "office" to "board"

AMENDMENT NO. 37

On page 31, line 24, change "office" to "board"

AMENDMENT NO. 38

On page 31, line 25, after "committee" delete the remainder of the line and delete line 26 and insert "made up of five board members."

AMENDMENT NO. 39

On page 31, line 27, change "office" to "board"

AMENDMENT NO. 40

On page 32, delete line 6, and insert "the board shall take action in a public meeting conducted by the board."

AMENDMENT NO. 41

On page 32, line 7, change "office" to "board"

AMENDMENT NO. 42

On page 32, line 10, change "office" to "board"

AMENDMENT NO. 43

On page 32, line 13, change "office" to "board"

AMENDMENT NO. 44

On page 32, line 14, change "office" to "board"

AMENDMENT NO. 45

On page 32, line 17, change "office" to "board"

AMENDMENT NO. 46

On page 32, line 19, change "office" to "board"

AMENDMENT NO. 47

On page 32, line 21, change "office" to "board"

AMENDMENT NO. 48

On page 32, line 22, change "office" to "board"

AMENDMENT NO. 49

On page 32, line 23, change "office" to "board"

AMENDMENT NO. 50

On page 32, line 24, change "office" to "board"

AMENDMENT NO. 51

On page 32, line 27, change "office's" to "board's"

AMENDMENT NO. 52

On page 33, line 8, change "office" to "board"

AMENDMENT NO. 53

On page 35, delete lines 16 through 29 and on page 36, delete lines 1 through 17 and insert:
"§185.2. Definitions

As used in this Part, the following words shall have the following meanings:

(1) "Board" means the Louisiana Public Defender Oversight Board, or any successor to that board, which is authorized to regulate the providing of legal services to indigent persons in criminal proceedings in which the right to counsel attaches under the United States and Louisiana constitutions. The board is also authorized to regulate the providing of representation to indigent parents as authorized by this Part.

* * *

(4) "District public defender", "chief indigent defender", or "chief public defender" means an attorney employed by or under contract with the board office to supervise service providers and enforce standards and guidelines within a judicial district or multiple judicial districts.

* * *

(7) "Office" means the office of the state public defender as created by R.S. 15:146.

(8) "Public defender" or "indigent defender" means an attorney employed by or under contract with the board, the district public defender, or a nonprofit organization contracting with the board or the district public defender to provide representation, including curatorship appointments, to indigent or absent parents in child abuse and neglect cases as required by the provisions of the Louisiana Children's Code.

(9) "Revenue" or "self-generated revenue" means all revenue received by a judicial district except revenue received as a result of grants, donations, or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise.

(10) "Task Force on Legal Representation in Child Protection Cases" means the task force created by House Concurrent Resolution No. 44 of the 2003 Regular Session of the Legislature."

AMENDMENT NO. 54

On page 36, line 27, before "office" insert "board and the"

AMENDMENT NO. 55

On page 37, line 24, change "office" to "board"

AMENDMENT NO. 56

On page 38, line 7, after "adopted by the" change "office" to "board"

AMENDMENT NO. 57

On page 38, line 16, change "office" to "board"

AMENDMENT NO. 58

On page 38, line 22, after "duties" delete the remainder of the line and insert "of the board provided for by this Section"

AMENDMENT NO. 59

On page 38, line 26, change "office" to "board"

AMENDMENT NO. 60

On page 39, line 9, change "office" to "board"

AMENDMENT NO. 61

On page 40, line 2, change "office" to "board"

AMENDMENT NO. 62

On page 41, delete lines 9 through 29 and on page 42, delete lines 1 through 9 and insert:

"§186.2. Definitions

For the purposes of this Part, the following words shall have the following meanings:

(1) "Board" means the Louisiana Public Defender Oversight Board, or any successor to that board, which is authorized to regulate the providing of legal services to indigent persons in criminal proceedings in which the right to counsel attaches under the United States and Louisiana Constitutions. The board is also authorized to regulate the providing of representation to indigent parents as authorized by this Part.

* * *

(6) "Office of juvenile justice" and "the office" means the Department of Public Safety and Corrections, youth services, office of juvenile justice.

(7) "Office" means the office of the state public defender as created by R.S. 15:146.

(8) "Public defender" or "indigent defender" means an attorney employed by or under contract with the board office, the district public defender, or a nonprofit organization contracting with the board office or the district public defender to provide representation as required by the provisions of the Louisiana Children's Code.

(9) "Safe Return Program" or "the program" means the Safe Return Representation Program administered pursuant to the Part."

AMENDMENT NO. 63

On page 42, line 19, before "office" insert "board and the"

AMENDMENT NO. 64

On page 43, line 8, change "office" to "board"

AMENDMENT NO. 65

On page 43, line 14, change "office" to "board"

AMENDMENT NO. 66

On page 43, delete line 26, and insert: "and guidelines adopted by the board pursuant to this Section. The board"

AMENDMENT NO. 67

On page 44, line 1, after "duties" delete the remainder of the line and insert "~~of the board~~ provided for by this Section"

AMENDMENT NO. 68

On page 44, line 2, after "R.S. 15:147" and before the "." insert "or as otherwise provided by law"

AMENDMENT NO. 69

On page 44, line 5, change "office" to "board"

On motion of Senator Reese, the amendments were adopted.

The bill was read by title. Senator Reese moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fesi	Morris
Abraham	Foil	Owen
Allain	Hensgens	Pressly
Bass	Hodges	Reese
Cathey	Kleinpeter	Seabaugh
Cloud	Lambert	Stine
Connick	McMath	Talbot
Coussan	Miguez	Wheat
Edmonds	Mizell	Womack
Total - 27		

NAYS

Barrow	Duplessis	Jenkins
Boudreaux	Fields	Luneau
Bouie	Harris	Miller
Carter	Jackson-Andrews	Price
Total - 12		

ABSENT

Total - 0

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Reese moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 4—

BY SENATOR CLOUD AND REPRESENTATIVES CREWS AND MIKE JOHNSON

AN ACT

To amend and reenact Children's Code Art. 897.1(B), (C), and (D), relative the sentencing of a juvenile after adjudication for certain offenses; and to provide for related matters.

Floor Amendments

Senator Cloud proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cloud to Engrossed Senate Bill No. 4 by Senator Cloud

AMENDMENT NO. 1

On page 1, line 2, change "and (D)," to "(D), and (E)," and after "relative" and before "the" insert "to"

AMENDMENT NO. 2

On page 1, line 3, after "offenses;" and before "and to" insert "to provide relative to modification of sentences; to provide relative to crimes of violence; to provide for terms, conditions, and procedures; to provide an effective date;"

AMENDMENT NO. 3

On page 1, line 6, change "and (D)" to "(D), and (E)"

AMENDMENT NO. 4

On page 1, line 17, after "provided in" change "Paragraph" to "Paragraphs A and"

AMENDMENT NO. 5

On page 2, delete lines 12 and 13 and insert the following: "for modification after serving ~~thirty-six months of the disposition or, if the disposition is less than thirty-six months, two-thirds a minimum of one-half~~ of the disposition.

E. A motion for modification of a disposition shall be filed pursuant to Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days from the date of notice to the district attorney. To grant a motion for modification of disposition, the court must find that the child poses a reduced risk to the community based on the following considerations:

(1) The child has had no significant behavioral violations while confined in secure placement.

(2) The child meets one of the following work or self-improvement criteria:

(a) Has attained a high school diploma or equivalent.
(b) Is actively participating in workforce training or a certification program and is in good standing as evidenced by grades and behavior notes submitted by the child's instructors.

(1) The most recent risk assessment conducted (3) The child has obtained a low-risk designation as determined by a valid risk assessment procedure approved by the office of juvenile justice.

(2) (4) The recommendation of the office of juvenile justice.

(3) (5) A reentry plan that includes an appropriate placement to conduct supervision and achieve aftercare goals.

(4) (6) Any additional evidence provided by the child, the state, or the office of juvenile justice.

* * *

AMENDMENT NO. 6

On page 2, delete line 15 and insert the following:

"Section 2. This Act shall become effective on July 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2024, whichever is later."

On motion of Senator Cloud, the amendments were adopted.

Floor Amendments

Senator Barrow proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barrow to Engrossed Senate Bill No. 4 by Senator Cloud

AMENDMENT NO. 1

On page 1, line 10, after "adjudication" delete "of" and insert ", but prior to sentencing, for"

AMENDMENT NO. 2

On page 1, at the end of line 11, insert "order that an Adverse Childhood Experiences (ACEs) evaluation be administered prior to committing"

February 22, 2024

AMENDMENT NO. 3

On page 1, line 12, delete "commit"

Senator Barrow moved the adoption of the amendments.

Senator Cloud objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barrow Duplessis Jenkins
Boudreaux Fields Luneau
Bouie Harris Mizell
Carter Jackson-Andrews Price
Total - 12

NAYS

Mr. President Foil Owen
Allain Hensgens Pressly
Bass Hodges Reese
Cathey Kleinpeter Seabaugh
Cloud Lambert Stine
Connick McMath Talbot
Coussan Miguez Wheat
Edmonds Miller Womack
Fesi Morris
Total - 26

ABSENT

Abraham
Total - 1

The Chair declared the amendments were rejected.

Floor Amendments

Senator Jackson-Andrews proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson-Andrews to Engrossed Senate Bill No. 4 by Senator Cloud

AMENDMENT NO. 1

On page 1, line 2, after "(D)" insert "and to enact Children's Code Art. 897.1(H)"

AMENDMENT NO. 2

On page 1, line 7, after "reenacted" insert "and Children's Code Art. 897.1(H) is hereby enacted"

AMENDMENT NO. 3

On page 2, between lines 14 and 15, insert the following:
"H. A juvenile confined in secure placement pursuant to this Article shall be placed in a facility that offers work or self improvement opportunities including but not limited to the option to attain a high school diploma or its equivalent or participates in workforce training or a certification program."

Senator Jackson-Andrews moved the adoption of the amendments.

Senator Cloud objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barrow Duplessis Luneau
Bass Fields Morris
Boudreaux Harris Price
Bouie Jackson-Andrews
Carter Jenkins
Total - 13

NAYS

Mr. President Foil Owen
Abraham Hensgens Pressly
Allain Hodges Reese
Cathey Kleinpeter Seabaugh
Cloud Lambert Stine
Connick McMath Talbot
Coussan Miguez Wheat
Edmonds Miller Womack
Fesi Mizell
Total - 26

ABSENT

Total - 0

The Chair declared the amendments were rejected.

Floor Amendments

Senator Jackson-Andrews proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson-Andrews to Engrossed Senate Bill No. 4 by Senator Cloud

AMENDMENT NO. 1

On page 2, line 3, after "R.S. 14:2(B)," insert the following: "except purse snatching, false imprisonment when armed with a dangerous weapon, stalking, home invasion, battery of emergency room personnel, emergency services personnel, or a healthcare professional, and simple burglary of an inhabited dwelling when a person is present in the dwelling."

Senator Jackson-Andrews moved the adoption of the amendments.

Senator Cloud objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barrow Duplessis Jenkins
Boudreaux Fields Luneau
Bouie Harris Price
Carter Jackson-Andrews
Total - 11

NAYS

Mr. President Foil Owen
Abraham Hensgens Pressly
Allain Hodges Reese
Bass Kleinpeter Seabaugh
Cathey Lambert Stine
Cloud McMath Talbot
Connick Miguez Wheat
Coussan Miller Womack
Edmonds Mizell
Fesi Morris
Total - 28

ABSENT

Total - 0

The Chair declared the amendments were rejected.

The bill was read by title. Senator Cloud moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fesi	Morris
Abraham	Foil	Owen
Allain	Hensgens	Reese
Bass	Hodges	Seabaugh
Cathey	Kleinpeter	Stine
Cloud	Lambert	Talbot
Connick	McMath	Wheat
Coussan	Miguez	Womack
Edmonds	Mizell	
Total - 26		

NAYS

Barrow	Fields	Miller
Boudreaux	Harris	Pressly
Bouie	Jackson-Andrews	Price
Carter	Jenkins	
Duplessis	Luneau	
Total - 13		

ABSENT

Total - 0

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Cloud moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Bouie asked for and obtained a suspension of the rules to revert to the Morning Hour.

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

February 22, 2024

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB No. 2	HB No. 3	HB No. 4
HB No. 5	HB No. 7	

Respectfully submitted,
MICHELLE D. FONTENOT
Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 2—

BY REPRESENTATIVES BACALA AND MIKE JOHNSON
AN ACT

To enact R.S. 9:2793.11, relative to immunity from liability for peace officers and certain public entities; to provide for immunity from civil liability for peace officers and certain public entities; to provide for definitions; to provide for exceptions; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 3—

BY REPRESENTATIVES BUTLER, ADAMS, AMEDEE, BACALA, BAGLEY, BAMBURG, BAYHAM, BERAULT, BILLINGS, BOYD, BOYER, BRASS, BRAUD, BROWN, BRYANT, CARLSON, CARRIER, ROBBY, CARTER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COATES, CREWS, DEVILLIER, DEWITT, DICKERSON, EDMONSTON, EGAN, FIRMENT, FISHER, FONTENOT, FREIBERG, GADBERRY, GREEN, HEBERT, HILFERTY, HORTON, ILLG, JACKSON, MIKE JOHNSON, TRAVIS JOHNSON, KERNER, KNOX, LACOMBE, LAFLEUR, LARVADAIN, MACK, MARCELLE, MCCORMICK, MCFARLAND, MCMAHEN, MCMAKIN, MELERINE, MOORE, NEWELL, ORGERON, OWEN, RISER, SCHAMERHORN, SCHLEGEL, SELDERS, ST. BLANC, STAGNI, TAYLOR, THOMPSON, VENTRELLA, WALTERS, WILDER, WILEY, WYBLE, AND ZERINGUE AND SENATOR REESE
AN ACT

To amend and reenact Code of Criminal Procedure Articles 320(D) and (E)(introductory paragraph) and (1) and 893(A)(1)(a), (B)(3), and (F) through (H), R.S. 13:5304(B)(3)(b), and R.S. 15:529.1(C)(3) and to enact Code of Criminal Procedure Articles 893(B)(2)(c) and (I) and 904, relative to mandatory drug testing and screening; to require drug testing and screening of persons arrested for certain offenses; to provide relative to assessment for participation in drug and specialty court programs for certain nonviolent offenders; to provide relative to confidentiality of drug testing and screening records; to provide relative to the funding for administration of drug and specialty courts; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 4—

BY REPRESENTATIVES EMERSON AND MIKE JOHNSON
AN ACT

To amend and reenact Code of Criminal Procedure Articles 930.4(F) and (G) and 930.8(A)(1) and (D) and to enact Code of Criminal Procedure Article 930.8(E), relative to procedures utilized in post conviction proceedings; to provide relative to the timeliness of post conviction applications; to provide relative to the procedural requirements of post conviction applications; to provide relative to the exceptions to the time limitations of post conviction applications; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 5—

BY REPRESENTATIVE MIKE JOHNSON
AN ACT

To enact R.S. 14:2(B)(61), relative to crimes of violence; to designate the crime of illegal use of weapons or dangerous instrumentalities as a crime of violence; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

February 22, 2024

HOUSE BILL NO. 7—

BY REPRESENTATIVES SCHLEGEL, BACALA, COX, HILFERTY, AND
MIKE JOHNSON AND SENATOR HODGES

AN ACT

To amend and reenact R.S. 14:64.2(B), relative to the crime of
carjacking; to enhance the penalties for the crime of carjacking;
and to provide for related matters.

The bill was read by title and placed on the Calendar for a
second reading.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Edmonds	Miguez
Abraham	Fesi	Miller
Allain	Fields	Mizell
Barrow	Foil	Morris
Bass	Harris	Owen
Boudreaux	Hensgens	Pressly
Bouie	Hodges	Price
Carter	Jackson-Andrews	Reese
Cathey	Jenkins	Seabaugh
Cloud	Kleinpeter	Stine
Connick	Lambert	Talbot
Coussan	Luneau	Wheat
Duplessis	McMath	Womack
Total - 39		

ABSENT

Total - 0

Adjournment

On motion of Senator Talbot, at 3:20 o'clock P.M. the Senate
adjourned until Sunday, February 25, 2024, at 6:00 o'clock P.M.

The President of the Senate declared the Senate adjourned.

YOLANDA J. DIXON
Secretary of the Senate

FRANCINE K. OGNIBENE
Journal Clerk