SENATE BILL NO. 324

BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS, BOUIE, GARY CARTER, CONNICK, COX, GLOVER, JIMMY HARRIS, HILFERTY, HUNTER, JACKSON, JAMES, TERRY LANDRY, LEGER, LYONS, MAGEE, MARCELLE, DUSTIN MILLER, MORENO, NORTON AND SMITH

AN ACT
To amend and reenact Children's Code Arts. 305(A)(2), 306(D), and 804(1) and to enact Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1441 and 1442, and Children's Code Art. 306(G), relative to juvenile jurisdiction; to provide for a child who commits a delinquent act before a certain age; to provide for transfer of juveniles to adult detention centers pending trial; to create the Juvenile Jurisdiction Planning and Implementation Committee; to provide for membership, authority, duties, and responsibilities; to provide for directives to the Louisiana State Law Institute, Louisiana Judicial Council, and Department of Children and Family Services; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1441 and 1442, is hereby enacted to read as follows:

CHAPTER 13-B. JUVENILE JURISDICTION

PLANNING AND IMPLEMENTATION ACT

§1441. Short title

This Chapter shall be known and may be cited as the "Juvenile Jurisdiction Planning and Implementation Act".

§1442. Louisiana Juvenile Jurisdiction Planning Implementation Committee;
A. The Louisiana Juvenile Jurisdiction Planning and Implementation Committee, hereafter referred to as the "committee", is hereby created as a committee of the Juvenile Justice Reform Act Implementation Commission established pursuant to R.S. 46:2751 et seq.

B. The committee shall have the following authority, duties, and responsibilities:

(1) Not later than January 1, 2017, the committee shall develop and submit to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives a plan for full implementation of the provisions of this Chapter. The plan shall include recommendations for changes required in the juvenile justice system to expand jurisdiction to include persons seventeen years of age. These recommendations may include the following items:

(a) The development of programs and policies that can safely reduce the number of youth in the juvenile justice system, including expanded use of diversion where appropriate; development and use of civil citation programs; use of evidence-based and promising services wherever possible; and reinvestment programs targeting the expanded use of community-based alternatives to secure, nonsecure, and pre-disposition custody.

(b) The development of comprehensive projections to determine the long-term distribution of placement capacity for youth in the juvenile justice system.

(c) An analysis of the impact of the expansion of juvenile jurisdiction to persons seventeen years of age on state agencies and a determination of which state agencies shall be responsible for providing relevant services to juveniles, including but not limited to mental health and substance abuse services, housing, education, and employment.

(2) Not later than April 1, 2017, and quarterly thereafter, the committee shall submit a written status report to the commissioner of administration, the
president of the Senate, and the speaker of the House of Representatives on
implementation of the plan as provided in this Subsection.

(3) The committee shall have such powers, authority, and prerogatives
as provided for the Juvenile Justice Reform Act Implementation Commission
pursuant to R.S. 46:2754 et seq.

C. The committee shall be composed of the following members:

(1) Each member of the Juvenile Justice Reform Act Implementation
Commission shall be an ex officio member.

(2) Two sitting Louisiana judges: one appointed by the president of the
Louisiana District Judges Association and one appointed by the president of the
Louisiana Council of Juvenile and Family Court Judges.

(3) The deputy secretary of the office of juvenile justice, or his designee.

(4) The superintendent of the state Department of Education, or his
designee.

(5) The executive director of the Louisiana Sheriffs' Association, or his
designee.

(6) The president of the Louisiana Juvenile Detention Association, or his
designee.

(7) An attorney appointed by the Louisiana Public Defender Board that
is an expert in juvenile defense.

(8) The executive director of the Children's Cabinet.

(9) The director of the Institute for Public Health and Justice, or his
designee.

(10) Two child or youth advocates, one appointed by the president pro
tempore of the Senate and one appointed by the speaker pro tempore of the
House of Representatives.

(11) Two parents of children who have been involved in the juvenile
justice system, one appointed by the executive director of the Cecil J. Picard
Center for Child Development and Lifelong Learning and one appointed by the
executive director of the Children's Coalition for Northeast Louisiana.
(12) An expert in juvenile justice, appointed by the chair of the Children's Code Committee of the Louisiana State Law Institute.

(13) Two youth representatives who have been prosecuted in criminal court at the age of seventeen, one appointed by the executive director of LouisianaChildren.org and one appointed by the executive director of the Family and Youth Counseling Agency of Lake Charles, Louisiana.

(14) A representative of the Police Jury Association of Louisiana.

(15) An attorney appointed by the Louisiana District Attorneys Association that is an expert in juvenile prosecution.

D.(1) All appointments to the committee shall be made not later than September 1, 2016. Any vacancy on the committee shall be filled by the respective appointing authority.

(2) The executive director of the Children's Cabinet shall serve as chair of the committee and shall convene the committee no later than October 1, 2016.

(3) The members of the committee shall serve without compensation, except the compensation to which they may be individually entitled to as a member or employee of their respective organization or agency.

(4) A majority of the total committee membership shall constitute a quorum and any official action by the committee shall require an affirmative vote of a majority of the quorum present and voting.

(5) The committee shall conduct meetings as it deems necessary to fully and effectively perform its duties and accomplish the objectives and purposes of this Chapter and may receive testimony and information relative to any of the subjects enumerated in this Chapter.

(6) The committee shall terminate on December 31, 2020.

Section 2. Children's Code Art. 305(A)(2), 306(D), and 804(1) are hereby amended and reenacted and Children's Code Art. 306(G) is hereby enacted to read as follows:

Art. 305. Divestiture of juvenile court jurisdiction; original criminal court jurisdiction over children; when acquired

A.(1) * * *
(2) Thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the court may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult. The court exercising criminal jurisdiction may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

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Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

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D. If at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in Article 305, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction. The court shall then order that the child be held in any facility used for the pretrial detention of accused adults and the child shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.

* * *

G. Notwithstanding any provision of law to the contrary, a child who is subject to criminal jurisdiction pursuant to Article 305 shall not be detained prior to trial in a juvenile detention facility after reaching the age of eighteen if the governing authority with funding responsibility for the juvenile detention facility objects to such detention.

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Art. 804. Definitions

As used in this Title:

(1) "Child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act before attaining seventeen years of age.
(b) After June 30, 2018, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2018, when the act is not a crime of violence as defined in R.S. 14:2, and occurs before the person attains eighteen years of age.

(c)(i) After June 30, 2020, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains eighteen years of age.

(ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained the age of seventeen shall be subject to criminal jurisdiction pursuant to Article 305 or 857.

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Section 3.(A) The Louisiana State Law Institute is hereby directed to study, and to recommend to the Legislature in a written report, such other amendments and additions to the Louisiana Children's Code, Louisiana Code of Criminal Procedure, and the Louisiana Revised Statutes as may be appropriate to effectuate the purpose of this Act to include seventeen-year-olds in the juvenile justice system. The Louisiana State Law Institute shall make its report, and shall recommend such legislation as it may deem appropriate, to the Legislature by March 1, 2017.

(B) The Louisiana Judicial Council is hereby requested to study, and to recommend to the Louisiana Supreme Court, such amendments and additions to Louisiana's Rules of Court as may be appropriate to effectuate the purpose of this Act to include seventeen-year-olds in the juvenile justice system.

(C) The Department of Children and Family Services is hereby directed to study, and to recommend for promulgation into law through the Administrative Procedure Act, such new or amended regulations for the safe operation of the state's juvenile detention centers as may be appropriate given the inclusion of seventeen-year-olds in the juvenile justice system.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Section 5. This Act shall be known as the "Raise the Age Louisiana Act of 2016".

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________