

RÉSUMÉ DIGEST

ACT 501 (SB 324)

2016 Regular Session

Morrell

New law enacts the Raise the Age Louisiana Act of 2016.

Present law provided that a child age 15 or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping, is subject to the exclusive jurisdiction of the juvenile court until either:

- (1) An indictment charging one of these offenses is returned.
- (2) The juvenile court holds a continued custody hearing and finds probable cause that he committed one of these offenses, whichever occurs first. Provides that during the hearing, when the child is charged with aggravated or first degree rape, the court is to inform him that if convicted he will be required to register as a sex offender for life.

Prior law provided that 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 requires that the child be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult.

New law retains prior law provisions but allows the court discretion as to whether to transfer the child to an adult facility for detention prior to trial as an adult. However, provides that a child who is subject to criminal jurisdiction as an adult shall not be detained prior to trial in a juvenile detention facility after reaching the age of 18 if the governing authority with funding responsibility for the juvenile detention facility objects to the detention.

Prior law defined a "child", for purposes of delinquency, to be any person under the age of 21, including an emancipated minor, who commits a delinquent act before attaining the age of 17.

New law retains prior law, except it provides that after June 30, 2018, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2018, when the act is not a crime of violence and occurs before the person attains 18 years of age. Further provides that after June 30, 2020, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains 18 years of age.

New law creates the Louisiana Juvenile Jurisdiction Planning and Implementation Committee as a committee of the Juvenile Justice Reform Act Implementation Commission and provides for the committee to have the following authority, duties and responsibilities:

- (1) Prior to Jan. 1, 2017, to 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 new law. Requires the plan to include recommendations for changes required in the juvenile justice system to expand jurisdiction to include persons 17 years of age. Provides that the plan may include:
 - (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 17 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) No later than April 1, 2017, and quarterly thereafter, to 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 its plan.
- (3) To have such powers, authority and prerogatives as that provided in prior law for the Juvenile Justice Reform Act Implementation Commission.

New law provides for the membership of the committee and requires appointments to the committee to be made by Sept. 1, 2016. Provides that the executive director of the Children's Cabinet shall serve as chair and call the first meeting by Oct. 1, 2016. Provides that the members serve without compensation except the compensation to which they may be individually entitled as a member or employee of their respective organization or agency. Provides a majority of membership constitutes a quorum and any official action of the committee requires an affirmative vote of a majority of the quorum present and voting. Provides that the committee terminates on Dec. 31, 2020.

Directs the La. State Law Institute to study and to recommend to the legislature by March 1, 2017, other amendments and additions to the law as may be appropriate to effectuate the purpose of including 17-year olds in the juvenile justice system.

Requests the La. Judicial Council to study and recommend to the Supreme Court amendments to Louisiana's Rules of Court as appropriate to effectuate the purpose of including 17-year olds in the juvenile justice system.

Directs the Dept. of Children and Family Services to study and to recommend new or amended rules as appropriate for the safe operation of the state's juvenile detention centers with the inclusion of 17-year olds in the juvenile justice system.

Effective upon signature of the governor (June 14, 2016).

(Amends Ch.C. Arts. 305(A)(2), 306(D), and 804(1); adds R.S. 15:1441-1442 and Ch.C. Art. 306(G))