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## DIGEST

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HB 74 Engrossed

2017 Regular Session

Marcelle

**Abstract:** Authorizes modification of disposition and parole for, and provides relative to commitment, custody, and placement of, children adjudicated for certain felony-grade delinquent acts.

Present law (Ch.C. Art. 897) provides that after adjudication of any felony-grade delinquent act, the court may do any of the following:

- (1) Reprimand and warn the child, leaving him in parental custody or in the custody of "some other suitable person", with or without continuing supervision.
- (2) Place the child on probation.
- (3) Commit the child to the custody of the Dept. of Public Safety and Corrections or to the custody of a private or public institution or agency.
- (4) Suspend the execution of the whole or part of any order of commitment and place the child on probation subject to any of the terms or conditions authorized by law.

Present law (Ch.C. Art. 898) authorizes parole and modification of any disposition or order of commitment for juveniles adjudicated of a felony-grade delinquent act.

Present law (Ch.C. Art. 901) provides certain restrictions and guidelines for the court to consider before entering a judgment of disposition.

Present law (R.S. 15:901(D)) provides that upon commitment to the department, the department has sole custody of the child and shall determine the child's placement, care, and treatment, and further requires the department to comply with any modifications to the disposition.

Present law (R.S. 15:902.3) requires the department to periodically review the child's placement to ensure that the child is placed in the least restrictive placement most appropriate to their needs and consistent with the circumstances of the case and the protection of the best interests of society and the safety of the public within the state.

Present law (R.S. 15:906(A)) authorizes the department to recommend to the committing court the release of any juvenile committed to its care, if the department determines that the child is ready to be returned to his own home, or to a substitute home.

Present law (Ch.C. Art. 897.1) provides that these provisions of present law do not apply to any child is who 14 years of age or older after adjudication of a felony-grade delinquent act based upon a violation of the present law crimes of first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery.

In such cases, present law (Ch.C. Art. 897.1) requires the court to commit the child to the custody of the Dept. of Public Safety and Corrections to be confined in secure placement until the child attains the age of 21 years or, in the case of armed robbery, for the length of the term imposed by the court at the disposition hearing. Disposition in these cases is without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

Proposed law, with regard to children who are 14 years of age or older and who are adjudicated for a felony-grade delinquent act based upon a violation of the present law crimes of first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery, does all of the following:

- (1) Amends present law to authorize parole and modification of disposition.
- (2) Requires the court to use present law guidelines in determining the appropriate disposition for the child.
- (3) Authorizes the department to determine the child's placement, care, and treatment; requires the department to periodically review the child's placement; and authorizes the department to recommend to the committing court the release of the child if the department determines that the child is ready to be returned to his own home or to a substitute home.
- (4) Provides that proposed law applies to all children in the custody of the department on or after Aug. 1, 2017.

(Amends R.S. 15:901(D)(1) and 906 and Ch.C. Arts. 116(intro. para.) and (24.2), 801, 897.1(A) and (B), 898(D), 901(E), and 909; Adds Ch.C. Art. 897.1(D); Repeals R.S. 15:902.3(G) and Ch.C. Art. 901(F))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make a technical correction to the provision of proposed law that amends the definition of "secure placement".