

2017 Regular Session

HOUSE BILL NO. 44

BY REPRESENTATIVE JENKINS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUVENILES/JURISDICTION: Provides an exception to the juvenile court's jurisdiction over adults in criminal proceedings in certain parishes

1 AN ACT

2 To amend and reenact Children's Code Article 312(B), relative to juvenile court jurisdiction
3 over adults; to provide relative to juvenile court jurisdiction over adults in certain
4 criminal proceedings; to provide relative to the exceptions to such jurisdiction; to
5 provide an exception in certain parishes to the juvenile court's jurisdiction over
6 adults in criminal proceedings involving certain offenses against children; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Article 312(B) is hereby amended and reenacted to read
10 as follows:

11 Art. 312. Juvenile jurisdiction over adults; criminal proceedings

12 * * *

13 B.(1) ~~In East Baton Rouge Parish and Jefferson Parish~~ Except as provided
14 in Subparagraph (2) of this Paragraph, in any parish with a population of two
15 hundred fifty thousand or more, jurisdiction pursuant to Subparagraphs (A)(1) and
16 (3) of this Article is vested in the district court.

17 (2) In Orleans Parish, jurisdiction pursuant to Subparagraphs (A)(1) and (3)
18 of this Article is vested in the criminal district court for that parish or the Municipal
19 and Traffic Court of New Orleans.

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 44 Engrossed

2017 Regular Session

Jenkins

Abstract: Provides an exception to the juvenile court's jurisdiction over adults in criminal proceedings in parishes with a population of 250,000 or more.

Present law provides a juvenile court with exclusive original jurisdiction to try an adult for the following present law offenses:

- (1) The crime of contributing to the delinquency of children (R.S. 14:92), except for cases when an adult entices, aids, solicits, or permits the child to perform any sexually immoral act.
- (2) The crime of contributing to the delinquency or dependency of children (R.S. 14:92.1).
- (3) Any other misdemeanor enacted for the protection of the physical, moral, or mental well-being of children.
- (4) Criminal neglect of family.
- (5) The crime of improper supervision of a minor by parent or legal custodian (R.S. 14:92.2).

Present law provides that if the defendant in any of these cases is entitled to trial by jury and does not waive that right, the court shall transfer the case to its criminal docket or to the appropriate court having criminal jurisdiction.

Present law also provides for the following exceptions relative to the juvenile court's jurisdiction over adults in cases defined in items (1) and (3) above:

- (1) In East Baton Rouge Parish and Jefferson Parish, original jurisdiction is vested in the district court.
- (2) In Orleans Parish, original jurisdiction is vested in the criminal district court for that parish or the Municipal and Traffic Court of New Orleans.

Proposed law retains present law and adds Caddo Parish to the list of parishes in which original jurisdiction over adults in cases defined in items (1) and (3) above is vested in the district court.

(Amends Ch.C. Art. 312(B))