

2018 Regular Session

SENATE BILL NO. 248

BY SENATOR JOHNS

CHILDREN'S CODE. Revises definition of "children" in the Children's Code. (gov sig)

1 AN ACT

2 To amend and reenact Children's Code Art. 804(1), relative to children; to provide certain
3 definitions; to provide certain terms, conditions and procedures; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Art. 804(1) is hereby amended and reenacted to read as
7 follows:

8 Art. 804. Definitions

9 As used in this Title:

10 (1)(a)"Child" means any person under the age of twenty-one, including an
11 emancipated minor, who commits a delinquent act before attaining seventeen years
12 of age.

13 ~~(b) After June 30, 2018, "child" means any person under the age of twenty-~~
14 ~~one, including an emancipated minor, who commits a delinquent act on or after July~~
15 ~~1, 2018, when the act is not a crime of violence as defined in R.S. 14:2, and occurs~~
16 ~~before the person attains eighteen years of age.~~

17 ~~(c)~~(i) After June 30, 2020, "child" means any person under the age of twenty-

1 one, including an emancipated minor, who commits a delinquent act on or after July
 2 1, 2020, and before the person attains eighteen years of age, **provided that the office**
 3 **of juvenile justice certifies on or before January 1, 2020, that there is adequate**
 4 **funding and resources available to accommodate the projected increase in**
 5 **caseload.**

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

9 * * *

10 Section 2. This Act shall become effective upon signature by the governor or, if not
 11 signed by the governor, upon expiration of the time for bills to become law without signature
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 14 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 248 Original 2018 Regular Session Johns

Present law provides for the definition of "child" in the Children's Code.

Present law 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.

Proposed law deletes this language.

Present law 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.

Proposed law 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, if the office of juvenile justice certifies on or before January 1, 2020, that there is adequate funding and resources available to accommodate the projected increase in caseload.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch.C.Art. 804(1))