

2022 Regular Session

SENATE BILL NO. 335

BY SENATOR JACKSON

JUVENILE JUSTICE. Provides for a juvenile in a correctional facility to serve additional time when he commits an assault or battery on an employee of the facility or another juvenile in the facility. (See Act)

1 AN ACT

2 To amend and reenact R.S. 14:34(B), 34.1(C), 34.5(B)(2), 35(B), 37(B), and 38(B) and to
3 enact Children's Code Art. 857(A)(9) through (14), and to repeal R.S. 14:44.1(A)(6)
4 and (B)(4), relative to battery or assault committed by juveniles; to provide relative
5 to transfers for criminal prosecution in juvenile court; to provide additional offenses
6 for which a juvenile may be prosecuted as an adult; to enhance penalties for certain
7 battery and assault offenses committed by a juvenile under certain circumstances; to
8 provide for effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Children's Code Art. 857(A)(9) through (14) are hereby enacted to read
11 as follows:

12 Art. 857. Transfers for criminal prosecution; authority

13 A. The court on its own motion or on motion of the district attorney may
14 conduct a hearing to consider whether to transfer a child for prosecution to the
15 appropriate court exercising criminal jurisdiction if a delinquency petition has been
16 filed which alleges that a child who is fourteen years of age or older at the time of
17 the commission of the alleged offense but is not otherwise subject to the original

1 jurisdiction of a court exercising criminal jurisdiction has committed any one or
2 more of the following crimes:

3 (1) First degree murder.

4 (2) Second degree murder.

5 (3) Aggravated kidnapping.

6 (4) Aggravated or first degree rape.

7 (5) Aggravated battery when committed by the discharge of a firearm.

8 (6) Armed robbery when committed with a firearm.

9 (7) Repealed by Acts 2001, No. 301, §2.

10 (8) Forcible or second degree rape if the rape is committed upon a child at
11 least two years younger than the rapist.

12 **(9) Aggravated battery when the child is under the jurisdiction and legal**
13 **custody of the Department of Public Safety and Corrections or is being detained**
14 **in any juvenile institution, and the victim is a juvenile under the jurisdiction**
15 **and legal custody of the Department of Public Safety and Corrections or is**
16 **being detained in any juvenile institution.**

17 **(10) Second degree battery when the child is under the jurisdiction and**
18 **legal custody of the Department of Public Safety and Corrections or is being**
19 **detained in any juvenile institution, and the victim is a juvenile under the**
20 **jurisdiction and legal custody of the Department of Public Safety and**
21 **Corrections or is being detained in any juvenile institution.**

22 **(11) Battery on a correctional facility employee.**

23 **(12) Simple Battery when the child is under the jurisdiction and legal**
24 **custody of the Department of Public Safety and Corrections or is being detained**
25 **in any juvenile institution, and the victim is a juvenile under the jurisdiction**
26 **and legal custody of the Department of Public Safety and Corrections or is**
27 **being detained in any juvenile institution.**

28 **(13) Aggravated assault when the child is under the jurisdiction and legal**
29 **custody of the Department of Public Safety and Corrections or is being detained**

1 in any juvenile institution, and the victim is a juvenile under the jurisdiction
2 and legal custody of the Department of Public Safety and Corrections or is
3 being detained in any juvenile institution.

4 (14) Simple Assault when the child is under the jurisdiction and legal
5 custody of the Department of Public Safety and Corrections or is being detained
6 in any juvenile institution, and the victim is a juvenile under the jurisdiction
7 and legal custody of the Department of Public Safety and Corrections or is
8 being detained in any juvenile institution.

9 * * *

10 Section 2. R.S. 14:34(B), 34.1(C), 34.5(B)(2), 35(B), 37(B), and 38(B) are hereby
11 amended and reenacted to read as follows:

12 §34. Aggravated battery

13 * * *

14 B.(1) Whoever commits an aggravated battery shall be fined not more than
15 five thousand dollars, imprisoned with or without hard labor for not more than ten
16 years, or both. At least one year of the sentence imposed shall be served without
17 benefit of parole, probation, or suspension of sentence if the offender knew or should
18 have known that the victim is an active member of the United States Armed Forces
19 or is a disabled veteran and the aggravated battery was committed because of that
20 status.

21 (2) If at the time of the commission of the offense the offender is under
22 the jurisdiction and legal custody of the Department of Public Safety and
23 Corrections, or is being detained in any juvenile institution, and the victim is a
24 juvenile under the jurisdiction and legal custody of the Department of Public
25 Safety and Corrections, or is being detained in any juvenile institution, the
26 offender shall be fined not more than one thousand dollars and imprisoned with
27 or without hard labor without benefit of parole, probation, or suspension of
28 sentence for not less than one year nor more than five years. The sentence
29 imposed pursuant to this Paragraph shall be consecutive to any other sentence

1 **imposed for violation of the provisions of any state criminal law.**

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3 §34.1. Second degree battery

4 * * *

5 C.(1) Whoever commits the crime of second degree battery shall be fined not
6 more than two thousand dollars or imprisoned, with or without hard labor, for not
7 more than eight years, or both. At least eighteen months of the sentence imposed
8 shall be served without benefit of parole, probation, or suspension of sentence if the
9 offender knew or should have known that the victim is an active member of the
10 United States Armed Forces or is a disabled veteran and the second degree battery
11 was committed because of that status.

12 **(2) If at the time of the commission of the offense the offender is under**
13 **the jurisdiction and legal custody of the Department of Public Safety and**
14 **Corrections, or is being detained in any juvenile institution, and the victim is a**
15 **juvenile under the jurisdiction and legal custody of the Department of Public**
16 **Safety and Corrections, or is being detained in any juvenile institution, the**
17 **offender shall be fined not more than one thousand dollars and imprisoned with**
18 **or without hard labor without benefit of parole, probation, or suspension of**
19 **sentence for not less than one year nor more than five years. The sentence**
20 **imposed pursuant to this Paragraph shall be consecutive to any other sentence**
21 **imposed for violation of the provisions of any state criminal law.**

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23 §34.5. Battery of a correctional facility employee

24 * * *

25 B. * * *

26 (2) If at the time of the commission of the offense the offender is under the
27 jurisdiction and legal custody of the Department of Public Safety and Corrections,
28 or is being detained in any jail, prison, correctional facility, juvenile institution,
29 temporary holding center, halfway house, or detention facility, the offender shall be

