
 DIGEST

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SB 335 Reengrossed

2022 Regular Session

Jackson

Present law (Ch.C. Art. 857(A)) provides for the divestiture of juvenile court jurisdiction for certain present law offenses.

Proposed law (Ch.C. Art. 857(A)(9)-(14)) retains present law and adds the offenses of aggravated battery, second degree battery, battery on a correctional facility employee, simple battery, aggravated escape, and simple escape to the list of offenses for which a juvenile may be prosecuted as an adult under certain circumstances.

Proposed laws (R.S. 14:34(B), 34.1(C), 34.5(B)(2)) enhance penalties when a juvenile, under the jurisdiction and legal custody of the DPS&C or being detained in a juvenile institution, commits any of the following offenses upon a correctional facility employee or a juvenile under the legal custody of the department, or is being detained in a juvenile institution:

- (1) Aggravated battery.
- (2) Second degree battery.
- (3) Battery on a correctional facility employee.

Present law (R.S. 14:110) provides penalties for the crimes of aggravated escape and simple escape.

Proposed law provides enhanced penalties for a person who injures another during the commission of aggravated escape or simple escape. Proposed law further makes present law and proposed law applicable to persons confined in juvenile facilities.

Proposed law otherwise retains present law.

Present law (RS 14:44.1(A)(6)) provide that second degree kidnapping includes using the victim to facilitate the commission of a simple escape or aggravated escape, including a simple escape or aggravated escape from either an adult or juvenile correctional or detention facility.

Proposed law deletes present law.

Present law (RS 14:44.1(B)(4)) provides that kidnapping includes the forcible seizing of any corrections officer or any other official or employee of an adult or juvenile correctional or detention facility for any period of time.

Proposed law deletes present law.

Present law (R.S. 15:901(C)) provides relative to juvenile reception and diagnostic center and the commitment of juveniles. Provides that the order of commitment may require the DPS&C to take physical custody of a child adjudicated a delinquent, committed to its custody pursuant to present law, and recommended by the court or the department for assignment to a secure program or facility, within 14 days from the date of the court's signing of the judgment of disposition when the child is in or is going to be placed in the physical custody of a parish juvenile facility.

Proposed law changes the time within which the department must take physical custody from 14 days to 60 days.

Proposed law otherwise retains present law.

Effective if and when the proposed amendment of Article V, Section 12 of the Constitution of Louisiana originating as SB No. 234 of this 2022 Regular Session of the Legislature is adopted at the statewide election to be held on 11/8/22 and becomes effective.

(Amends R.S. 14:34(B), 34.1(C), 34.5(B)(2), and 110, and R.S. 15:901(C); Adds Ch.C. Art. 857(A)(9)-(14); Repeals R.S. 14:44.1(A)(6) and (B)(4))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Change penalties for a violation of proposed law relative to simple battery from a fine of \$1,000 or imprisonment of one to five years to a fine of \$500 or imprisonment of up to six months.
2. Enhance penalties for the crimes of simple escape and aggravated escape under certain circumstances.
3. Provide that the crimes of simple escape and aggravated escape are applicable to persons confined in a juvenile facility.
4. Change time within which the DPS&C must take custody of a juvenile under certain circumstances from 14 days from the court's signing of judgment of disposition to 60 days from signing of the judgment.

Senate Floor Amendments to engrossed bill

1. Technical corrections.

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Add the employee of a correctional facility as a specified victim in the crime of "aggravated battery" when the child is under the jurisdiction and legal custody of the DPS&C.
3. Add the crimes of "aggravated escape" and "simple escape" to the list of offenses for which a juvenile may be prosecuted as an adult under certain circumstances.
4. Remove references to the crimes of "simple battery", "aggravated assault", and "simple assault".