

SENATE BILL NO. 736

BY SENATOR DORSEY

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AN ACT

To amend and reenact Code of Criminal Procedure Article 876 and Children's Code Article 857(C), relative to criminal procedure; to provide for prosecution and sentencing of adults for certain crimes committed as a child; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 857(C) is hereby amended and reenacted to read as follows:

Art. 857. Transfers for criminal prosecution; authority

* * *

C.(1) An adult who is charged with an offense committed at the time he was a child for which the time limitation for the institution of prosecution pursuant to Code of Criminal Procedure Art. 571 has not lapsed and for which he was subject to prosecution as an adult due to his age at the time the offense was committed ~~may~~ **shall** be prosecuted as an adult in the appropriate court exercising criminal jurisdiction. If convicted, he shall be punished as an adult as provided by law.

(2) An adult who is charged with an offense committed at the time he was a child for which the time limitation for the institution of prosecution pursuant to Code of Criminal Procedure Art. 571 has not lapsed and for which he was not subject to prosecution as an adult due to his age at the time the offense was committed ~~may~~ **shall** be prosecuted as an adult in the appropriate court exercising criminal jurisdiction. If convicted, he shall be committed to the custody of the Department of Public Safety and Corrections to be confined in secure placement for a period of time as determined by the court not to exceed the maximum amount of confinement he could have been ordered to serve had he been adjudicated for the offense as a child at the time the offense was committed.

1 Section 2. Code of Criminal Procedure Article 876 is hereby amended and reenacted
2 to read as follows:

3 Art. 876. Sentence for crime committed as a child

4 A. An adult who is charged with an offense committed at the time he was a
5 child for which the time limitation for the institution of prosecution pursuant to Code
6 of Criminal Procedure Article 571 has not lapsed and for which he was subject to
7 prosecution as an adult due to his age at the time the offense was committed ~~may~~
8 **shall** be prosecuted as an adult in the appropriate court exercising criminal
9 jurisdiction. If convicted, he shall be punished as an adult as provided by law.

10 B. An adult who is charged with an offense committed at the time he was a
11 child for which the time limitation for the institution of prosecution pursuant to Code
12 of Criminal Procedure Article 571 has not lapsed and for which he was not subject
13 to prosecution as an adult due to his age at the time the offense was committed ~~may~~
14 **shall** be prosecuted as an adult in the appropriate court exercising criminal
15 jurisdiction. If convicted, he may be committed to the custody of the Department of
16 Public Safety and Corrections to be confined in secure placement for a period of time
17 as determined by the court not to exceed the maximum amount of confinement he
18 could have been ordered to serve had he been adjudicated for the offense as a child
19 at the time the offense was committed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____