AN ACT

To amend and reenact Children's Code Arts. 305(A)(2), 306(D), and 804(1) and to enact R.S. 15:1441 through 1443, relative to juvenile jurisdiction; to provide for a child who commits a delinquent act before a certain age; to provide for transfer of juveniles to adult detention centers pending trial; to create the Juvenile Jurisdiction Planning and Implementation Council and provide for its membership, authority, duties, and responsibilities, including the power to issue subpoenas; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1441 through 1443, is hereby enacted to read as follows:

CHAPTER 13-B. JUVENILE JURISDICTION

PLANNING AND IMPLEMENTATION ACT

§1441. Short title

This Chapter shall be known and may be cited as the "Juvenile Jurisdiction Planning and Implementation Act".

§1442. Legislative findings and declaration
A. The legislature hereby finds and declares the following:

(1) House Concurrent Resolution 73 of the 2015 Regular Session directed the Institute for Public Health and Justice of Louisiana State University to study the current state of the juvenile justice and criminal justice systems to understand the potential impact of raising the age of juvenile jurisdiction to include seventeen-year olds. The Institute for Public Health and Justice has been designated by the state of Louisiana as an advisor to the legislature on matters related to youth in the justice system.

(2) The Institute for Public Health and Justice, in its study, examined the costs and benefits of including seventeen-year olds in the juvenile justice system. The study concluded that Louisiana will likely experience significant cost savings and public safety benefits as a result of including seventeen-year olds in the juvenile justice system, and noted that Louisiana is one of only nine states that prosecute every seventeen-year old as an adult.

(3) Youth should be held accountable when they commit serious offenses. Nothing in the Raise the Age Louisiana Act of 2016 is intended to interfere, or does interfere, with the discretion of district attorneys to prosecute serious offenders who are ages fourteen, fifteen, sixteen, or seventeen as adults under the provisions of Louisiana Children’s Code Articles 305 and 857.

(4) The legislature recognizes, as the study reports, that the vast majority of seventeen-year olds in Louisiana are arrested for offenses that involve neither weapons nor violence. Research shows that Louisiana’s neighborhoods will be safer if those youth are held accountable in the juvenile justice system, because prosecuting youthful offenders in the juvenile justice system is more likely to reduce recidivism than adult prosecution.

(5) Studies conducted by the Centers for Disease Control in 2007 and the United States Department of Justice in 2010 show that youth who are processed in the adult criminal justice system are more likely to recidivate than similar youth who remain in the juvenile justice system. Meanwhile, the Institute for
Public Health and Justice's study found that recidivism rates for youth exiting Louisiana's adult corrections system are twenty percent higher than recidivism rates for similarly situated youth exiting the juvenile justice system.

(6) The legislature recognizes that the effect of reducing recidivism is to generate significant savings to the state of Louisiana. The Institute for Public Health and Justice's study finds that including seventeen-year olds in Louisiana's juvenile justice system, while still allowing serious offenders to be prosecuted as adults, is calculated to save Louisiana up to twenty million dollars per year.

(7) The legislature recognizes that behavioral science has shown that because of the biological properties of adolescent brains, when compared to adults, seventeen-year olds are more prone to risky and impulsive behavior, less able to engage in moral reasoning or regulate their emotions, less able to consider long term consequences of their actions, and more prone to the effects and stress of peer pressure. The legislature therefore recognizes the importance of responding to offenses by seventeen-year olds with developmentally appropriate strategies that are designed to promote accountability, responsibility and safety. For the vast majority of seventeen-year olds, that means using the juvenile justice system.

(8) The consequences of adult arrest and conviction records can stay with youth through their lives, limiting their opportunities to access higher education and well-paying jobs. The legislature finds that, unless public safety requires it, Louisiana should avoid labeling seventeen-year olds as adult offenders, and should adopt policies that encourage rehabilitation and productive development of at-risk youth into successful adults who are contributing members of their communities.

(9) The legislature recognizes that adult prisons and jails are not safe for youth, and that imprisonment alongside adults exposes seventeen-year olds to dramatically increased risk of physical and sexual violence, as well as mental
illness and trauma.

B. It is the express intent of the legislature that any savings realized through the operation of this Chapter be reinvested in evidence-based services that are designed to keep at-risk youth safely in their own homes and communities. In particular, the legislature intends that any resulting savings be invested through the Louisiana Juvenile Justice Reinvestment Program, as detailed in R. S. 15:940 et seq.

§1443. Louisiana Juvenile Jurisdiction Planning and Implementation Council; composition; authority; responsibilities

A. The Louisiana Juvenile Jurisdiction Planning and Implementation Council, hereinafter referred to as the "council", is hereby created within the office of the governor.

B. The council shall have the following authority, duties, and responsibilities:

1. Prior to January 1, 2017, the council shall develop, and submit to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives, a plan for full implementation of the provisions of this Chapter. The plan shall include recommendations for changes required in the juvenile justice system to expand jurisdiction to include persons seventeen years of age. These recommendations may include the following items:

   a. The development of programs and policies that can safely reduce the number of youth at each stage in the juvenile justice system, including expanded use of diversion where appropriate; development and use of civil citation programs; use of evidence-based and promising services wherever possible; and reinvestment programs targeting the expanded use of community-based alternatives to secure, nonsecure, and pre-disposition custody.

   b. The development of comprehensive projections to determine the long-term distribution of placement capacity for youth in the juvenile justice system.
(c) An analysis of the impact of the expansion of juvenile jurisdiction to persons seventeen years of age on state agencies and a determination of which state agencies shall be responsible for providing relevant services to juveniles, including but not limited to mental health and substance abuse services, housing, education, and employment.

(2) Not later than April 1, 2017, and quarterly thereafter, the council shall submit a written status report to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives, on implementation of the plan as provided in Paragraph (1) of this Subsection.

(3) The council is authorized to use the personnel, facilities, and services of the legislature, executive departments and agencies, and the courts and judicial administrator. The council may request of and utilize such counsel, research, assistance, personnel, facilities, and advice as may be obtained from any and all public sources and from any and all private sources, including but not restricted to private research agencies, consulting groups, individuals, and organizations.

(4) The council may call upon the members or staffs of any and all existing departments or agencies of the state for data or assistance, or both, and all such agencies and departments shall cooperate with the council.

(5) The council shall have the power and authority to hold hearings, subpoena witnesses, administer oaths, require the production of books and records, and do all other things necessary to discharge its duties and responsibilities. However, a subpoena or a subpoena duces tecum shall be issued only upon the approval of a majority of the members of the council. Subpoenas shall be served by the sheriff or by any other officer authorized by law to serve process in this state.

C. The council shall be composed of the following members:

(1) Two members of the legislature, one of whom shall be appointed by the speaker of the House of Representatives, and one of whom shall be...
appointed by the president of the Senate.

(2) The chairperson of the Juvenile Justice Reform Act Implementation Commission.

(3) The chief justice of the Louisiana Supreme Court, or her designee.

(4) Two sitting Louisiana judges, one of whom shall be appointed by the president of the Louisiana District Judges' Association, and one of whom shall be appointed by the president of the Louisiana Council of Juvenile and Family Court Judges.

(5) The deputy secretary of the office of juvenile justice, or her designee.

(6) The superintendent of the state Department of Education, or his designee.

(7) The chairman of the Louisiana Public Defender Board, or his designee.

(8) The president of the Board of Directors of the Louisiana District Attorneys' Association, or his designee.

(9) The executive director of the Louisiana Sheriffs' Association, or his designee.

(10) The president of the Louisiana Juvenile Detention Association, or that person's designee.

(11) The director of the Institute for Public Health and Justice, or his designee.

(12) Two child or youth advocates, one of whom shall be appointed by the speaker pro tempore of the House of Representatives, and one of whom shall be appointed by the president pro tempore of the Senate.

(13) Two parents, each of whom is the parent of a child who has been involved with the juvenile justice system, one of whom shall be designated by the executive director of the Cecil J. Picard Center for Child Development and Lifelong Learning, and one of whom shall be designated by the executive director of the Children's Coalition for Northeast Louisiana.
(14) The commissioner of administration, or his designee.

(15) An expert in juvenile justice, to be appointed by the co-chairs of the Children's Code Committee of the Louisiana State Law Institute.

(16) Two youth representatives who have been prosecuted, at the age of seventeen in criminal court, one of whom shall be designated by the Executive Director of LouisianaChildren.org and one of whom shall be designated by the Executive Director of the Family and Youth Counseling Agency of Lake Charles, Louisiana.

D. (1) All appointments to the council shall be made not later than thirty days after August 1, 2016. Any vacancy on the council shall be filled by the respective appointing authority.

(2) The commissioner of administration, or his designee, shall serve as chair of the council, and shall convene the council not later than sixty days after August 1, 2016.

(3) The members of the council shall serve without compensation.

(4) A majority of the total membership shall constitute a quorum of the council, and any official action by the council shall require an affirmative vote of a majority of the quorum present and voting.

(5) The council shall conduct public meetings as it deems necessary to fully and effectively perform its duties and accomplish the objectives and purposes of this Chapter, and may receive testimony and information relative to any of the subjects enumerated in this Chapter.

(6) The council shall terminate on December 31, 2018.

Section 2. Children's Code Art. 305(A)(2) and 306(D) are hereby amended and reenacted to read as follows:

Art. 305. Divestiture of juvenile court jurisdiction; original criminal court jurisdiction over children; when acquired

A.(1) * * *

(2) Thereafter, the child is subject to the exclusive jurisdiction of the
appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the child shall be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult court exercising criminal jurisdiction may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

* * *

Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

* * *

D. If at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in Article 305, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction.

The appropriate court of criminal jurisdiction shall may thereafter order that the child be held in any facility used for the pretrial detention of accused adults and the child shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.

* * *

Section 3. Children's Code Art. 804(1) is hereby amended and reenacted to read as follows:

Art. 804. Definitions

As used in this Title:

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

Section 4.(A) The Louisiana State Law Institute is hereby directed to study, and to recommend to the Legislature in a written report, such other amendments and additions to the Louisiana Children's Code, Louisiana Code of Criminal Procedure, and the Louisiana Revised Statutes as may be appropriate to effectuate the purpose of this Act to include
seventeen-year-olds in the juvenile justice system. The Louisiana State Law Institute shall
make its report, and shall recommend such legislation as it may deem appropriate, to the
Legislature by March 1, 2017.

(B) The Louisiana Judicial Council is hereby requested to study, and to recommend
to the Louisiana Supreme Court, such amendments and additions to Louisiana's Rules of
Court as may be appropriate to effectuate the purpose of this Act to include seventeen-year
olds in the juvenile justice system.

(C) The Department of Children and Family Services is hereby directed to study, and
to recommend for promulgation into law through the Administrative Procedures Act, such
new or amended regulations for the safe operation of the state's juvenile detention centers
as may be appropriate given the inclusion of seventeen-year olds in the juvenile justice
system.

Section 5.(A) Except as provided in Subsections B and C of this Section, this Act
shall become effective upon signature by the governor or, if not signed by the governor,
upon expiration of the time for bills to become law without signature by the governor, as
provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the
governor and subsequently approved by the legislature, this Act shall become effective on
the day following such approval.

(B) The provisions of Section 3 of this Act shall become effective on July 1, 2017
and shall be applied prospectively to any person who is alleged to have committed a
delinquent or criminal act on or after July 1, 2017 and shall apply retroactively to any person
who is alleged to have committed a delinquent or criminal act before July 1, 2017.

Section 6. This Act shall be known as the "Raise the Age Louisiana Act of 2016".
(b) The juvenile court holds a continued custody hearing and finds probable cause that he committed one of these offenses, whichever occurs first. Provides that during the hearing, when the child is charged with aggravated or first degree rape, the court is to inform him that if convicted he will be required to register as a sex offender for life.

Present law provides that thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and requires that the child be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult.

Proposed law retains these provisions but as to the transfer to an adult facility, the court is given discretion as to whether to transfer the child to an adult facility for detention prior to his trial as an adult.

Present law defines a child, for purposes of delinquency, to be any person under the age of 21, including an emancipated minor, who commits a delinquent act before attaining the age of 17. Proposed law changes the age from 17 to 18.

Proposed law creates the Louisiana Juvenile Jurisdiction Planning and Implementation Council, within the office of the governor and that it perform the following activities:

1. Prior to January 1, 2017, develop, and submit to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives, a plan for full implementation of the provisions of proposed law.

2. Requires that the plan include recommendations for changes required in the juvenile justice system to expand jurisdiction to include persons 17 years of age, which recommendations may include:

   a. Development of programs and policies that can safely reduce the number of youth at each stage in the juvenile justice system, including expanded use of diversion where appropriate; development and use of civil citation programs; use of evidence-based and promising services wherever possible; and reinvestment programs targeting the expanded use of community-based alternatives to secure, nonsecure, and pre-disposition custody.

   b. Development of comprehensive projections to determine the long-term distribution of placement capacity for youth in the juvenile justice system.

   c. Analysis of the impact of the expansion of juvenile jurisdiction to persons seventeen years of age on state agencies and a determination of which state agencies shall be responsible for providing relevant services to juveniles, including but not limited to mental health and substance abuse services, housing, education and employment.

Requires that the council, no later than April 1, 2017, and quarterly thereafter, submit a written status report to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives, on implementation of its plan.

Authorizes the council to use the personnel, facilities, and services of the legislature, executive departments and agencies, and the courts and judicial administrator and to request of and utilize such counsel, research, assistance, personnel, facilities, and advice as may be obtained from any and all public sources and from any and all private sources, including but not restricted to private research agencies, consulting groups, individuals, and organizations.

Authorizes the council to call upon the members or staffs of any and all existing departments or agencies of the state for data or assistance, or both.
Authorizes the council to have the power and authority to hold hearings, subpoena witnesses, administer oaths, require the production of books and records, and do all other things necessary to discharge its duties and responsibilities. Requires that any subpoena or subpoena duces tecum be issued only upon the approval of a majority of the members of the council.

Proposed law provides for the council membership, appointment of vacancies, and requires that members serve without compensation. Requires that the council public meetings as it deems necessary.

Proposed law provides that the council terminate on December 31, 2018.

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

(Amends Ch. C. Arts. 305(A)(2), 306(D), and 804(1); adds R.S. 15:1441 through 1443)