

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

---

DIGEST

SB Original

2016 Regular Session

Morrell

Present law provides that a child age 15 or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnaping, is subject to the exclusive jurisdiction of the juvenile court until either:

- (a) An indictment charging one of these offenses is returned.
- (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)