ACT No. 501

SENATE BILL NO. 324

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BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS, BOUIE, GARY CARTER, CONNICK, COX, GLOVER, JIMMY HARRIS, HILFERTY, HUNTER, JACKSON, JAMES, TERRY LANDRY, LEGER, LYONS, MAGEE, MARCELLE, DUSTIN MILLER, MORENO, NORTON AND SMITH

AN ACT

2	To amend and reenact Children's Code Arts. 305(A)(2), 306(D), and 804(1) and to enact
3	Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised
4	of R.S. 15:1441 and 1442, and Children's Code Art. 306(G), relative to juvenile
5	jurisdiction; to provide for a child who commits a delinquent act before a certain age;
6	to provide for transfer of juveniles to adult detention centers pending trial; to create
7	the Juvenile Jurisdiction Planning and Implementation Committee; to provide for
8	membership, authority, duties, and responsibilities; to provide for directives to the
9	Louisiana State Law Institute, Louisiana Judicial Council, and Department of
10	Children and Family Services; to provide for an effective date; and to provide for
11	related matters.
12	Be it enacted by the Legislature of Louisiana:
13	Section 1. Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950,
14	comprised of R.S. 15:1441 and 1442, is hereby enacted to read as follows:
15	CHAPTER 13-B. JUVENILE JURISDICTION
16	PLANNING AND IMPLEMENTATION ACT
17	§1441. Short title
18	This Chapter shall be known and may be cited as the "Juvenile
19	Jurisdiction Planning and Implementation Act".
20	§1442. Louisiana Juvenile Jurisdiction Planning Implementation Committee;

SB NO. 324 ENROLLED

composition; authority; responsibilities

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2	A. The Louisiana Juvenile Jurisdiction Planning and Implementation
3	Committee, hereafter referred to as the "committee", is hereby created as a
4	committee of the Juvenile Justice Reform Act Implementation Commission
5	established pursuant to R.S. 46:2751 et seq.
6	B. The committee shall have the following authority, duties, and
7	responsibilities:
8	(1) Not later than January 1, 2017, the committee shall develop and
9	submit to the commissioner of administration, the president of the Senate, and
10	the speaker of the House of Representatives a plan for full implementation of
11	the provisions of this Chapter. The plan shall include recommendations for
12	changes required in the juvenile justice system to expand jurisdiction to include
13	persons seventeen years of age. These recommendations may include the
14	following items:
15	(a) The development of programs and policies that can safely reduce the
16	number of youth in the juvenile justice system, including expanded use of
17	diversion where appropriate; development and use of civil citation programs;
18	use of evidence-based and promising services wherever possible; and
19	reinvestment programs targeting the expanded use of community-based
20	alternatives to secure, nonsecure, and pre-disposition custody.
21	(b) The development of comprehensive projections to determine the
22	long-term distribution of placement capacity for youth in the juvenile justice
23	system.
24	(c) An analysis of the impact of the expansion of juvenile jurisdiction to
25	persons seventeen years of age on state agencies and a determination of which
26	state agencies shall be responsible for providing relevant services to juveniles,
27	including but not limited to mental health and substance abuse services,
28	housing, education, and employment.
29	(2) Not later than April 1, 2017, and quarterly thereafter, the committee
30	shall submit a written status report to the commissioner of administration, the

SB NO. 324 ENROLLED

1	president of the Senate, and the speaker of the House of Representatives on
2	implementation of the plan as provided in this Subsection.
3	(3) The committee shall have such powers, authority, and prerogatives
4	as provided for the Juvenile Justice Reform Act Implementation Commission
5	pursuant to R.S. 46:2754 et seq.
6	C. The committee shall be composed of the following members:
7	(1) Each member of the Juvenile Justice Reform Act Implementation
8	Commission shall be an ex officio member.
9	(2) Two sitting Louisiana judges: one appointed by the president of the
10	Louisiana District Judges Association and one appointed by the president of the
11	Louisiana Council of Juvenile and Family Court Judges.
12	(3) The deputy secretary of the office of juvenile justice, or his designee.
13	(4) The superintendent of the state Department of Education, or his
14	designee.
15	(5) The executive director of the Louisiana Sheriffs' Association, or his
16	designee.
17	(6) The president of the Louisiana Juvenile Detention Association, or his
18	designee.
19	(7) An attorney appointed by the Louisiana Public Defender Board that
20	is an expert in juvenile defense.
21	(8) The executive director of the Children's Cabinet.
22	(9) The director of the Institute for Public Health and Justice, or his
23	designee.
24	(10) Two child or youth advocates, one appointed by the president pro
25	tempore of the Senate and one appointed by the speaker pro tempore of the
26	House of Representatives.
27	(11) Two parents of children who have been involved in the juvenile
28	justice system, one appointed by the executive director of the Cecil J. Picard
29	Center for Child Development and Lifelong Learning and one appointed by the
30	executive director of the Children's Coalition for Northeast Louisiana.

SB NO. 324	ENROLLED
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1	(12) An expert in juvenile justice, appointed by the chair of the
2	Children's Code Committee of the Louisiana State Law Institute.
3	(13) Two youth representatives who have been prosecuted in criminal
4	court at the age of seventeen, one appointed by the executive director of
5	LouisianaChildren.org and one appointed by the executive director of the
6	Family and Youth Counseling Agency of Lake Charles, Louisiana.
7	(14) A representative of the Police Jury Association of Louisiana.
8	(15) An attorney appointed by the Louisiana District Attorneys
9	Association that is an expert in juvenile prosecution.
10	D.(1) All appointments to the committee shall be made not later than
11	September 1, 2016. Any vacancy on the committee shall be filled by the
12	respective appointing authority.
13	(2) The executive director of the Children's Cabinet shall serve as chair
14	of the committee and shall convene the committee no later than October 1, 2016.
15	(3) The members of the committee shall serve without compensation,
16	except the compensation to which they may be individually entitled to as a
17	member or employee of their respective organization or agency.
18	(4) A majority of the total committee membership shall constitute a
19	quorum and any official action by the committee shall require an affirmative
20	vote of a majority of the quorum present and voting.
21	(5) The committee shall conduct meetings as it deems necessary to fully
22	and effectively perform its duties and accomplish the objectives and purposes
23	of this Chapter and may receive testimony and information relative to any of
24	the subjects enumerated in this Chapter.
25	(6) The committee shall terminate on December 31, 2020.
26	Section 2. Children's Code Art. 305(A)(2), 306(D), and 804(1) are hereby amended
27	and reenacted and Children's Code Art. 306(G) is hereby enacted to read as follows:
28	Art. 305. Divestiture of juvenile court jurisdiction; original criminal court
29	jurisdiction over children; when acquired
30	A.(1) * * *

SB NO. 324 ENROLLED

1	(2) Thereafter, the child is subject to the exclusive jurisdiction of the
2	appropriate court exercising criminal jurisdiction for all subsequent procedures,
3	including the review of bail applications, and the child shall be transferred forthwith
4	to the appropriate adult facility for detention prior to his trial as an adult court
5	exercising criminal jurisdiction may order that the child be transferred to the
6	appropriate adult facility for detention prior to his trial as an adult.
7	* * *
8	Art. 306. Places of detention; juveniles subject to criminal court jurisdiction
9	* * *
10	D. If at the conclusion of the continued custody hearing, the court determines
11	that the child meets the age requirements and that there is probable cause that the
12	child has committed one of the offenses enumerated in Article 305, the court shall
13	order him held for trial as an adult for the appropriate court of criminal jurisdiction.
14	The child shall appropriate court of criminal jurisdiction may thereafter order
15	that the child be held in any facility used for the pretrial detention of accused adults
16	and the child shall apply to the appropriate court of criminal jurisdiction for a
17	preliminary hearing, bail, and for any other rights to which he may be entitled under
18	the Code of Criminal Procedure.
19	* * *
20	G. Notwithstanding any provision of law to the contrary, a child who is
21	subject to criminal jurisdiction pursuant to Article 305 shall not be detained
22	prior to trial in a juvenile detention facility after reaching the age of eighteen
23	if the governing authority with funding responsibility for the juvenile detention
24	facility objects to such detention.
25	* * *
26	Art. 804. Definitions
27	As used in this Title:
28	(1)(a) "Child" means any person under the age of twenty-one, including an
29	emancipated minor, who commits a delinquent act before attaining seventeen years
30	of age.

SB NO. 324 ENROLLED

1	(b) After June 30, 2018, "child" means any person under the age of
2	twenty-one, including an emancipated minor, who commits a delinquent act on
3	or after July 1, 2018, when the act is not a crime of violence as defined in R.S.
4	14:2, and occurs before the person attains eighteen years of age.
5	(c)(i) After June 30, 2020, "child" means any person under the age of
6	twenty-one, including an emancipated minor, who commits a delinquent act on
7	or after July 1, 2020, and before the person attains eighteen years of age.
8	(ii) Notwithstanding Item (i) of this Subparagraph, a child who has
9	attained the age of seventeen shall be subject to criminal jurisdiction pursuant
10	<u>to Article 305 or 857.</u>
11	* * *
12	Section 3.(A) The Louisiana State Law Institute is hereby directed to study, and to
13	recommend to the Legislature in a written report, such other amendments and additions to
14	the Louisiana Children's Code, Louisiana Code of Criminal Procedure, and the Louisiana
15	Revised Statutes as may be appropriate to effectuate the purpose of this Act to include
16	seventeen-year-olds in the juvenile justice system. The Louisiana State Law Institute shall
17	make its report, and shall recommend such legislation as it may deem appropriate, to the
18	Legislature by March 1, 2017.
19	(B) The Louisiana Judicial Council is hereby requested to study, and to recommend
20	to the Louisiana Supreme Court, such amendments and additions to Louisiana's Rules of
21	Court as may be appropriate to effectuate the purpose of this Act to include
22	seventeen-year-olds in the juvenile justice system.
23	(C) The Department of Children and Family Services is hereby directed to study, and
24	to recommend for promulgation into law through the Administrative Procedure Act, such
25	new or amended regulations for the safe operation of the state's juvenile detention centers
26	as may be appropriate given the inclusion of seventeen-year-olds in the juvenile justice
27	system.
28	Section 4. This Act shall become effective upon signature by the governor or, if not
29	signed by the governor, upon expiration of the time for bills to become law without signature
30	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.

Section 5. This Act shall be known as the "Raise the Age Louisiana Act of 2016".

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

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SB NO. 324

APPROVED: _____