

2024 Regular Session

SENATE BILL NO. 431

BY SENATOR CLOUD

FUNDS/FUNDING. Provides with respect to the creation of the Juvenile Detention Commission for the purpose of reviewing and recommending funding for juvenile detention centers. (gov sig)

1 AN ACT

2 To enact Subpart CC of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 39:100.241 and 100.242, relative
4 to juvenile detention facility funding; to create the Juvenile Detention Commission;
5 to provide for membership of the commission; to provide for the implementation and
6 administration of the Juvenile Detention Commission Program; to provide relative
7 to a grant application process for construction of juvenile detention centers; to create
8 the Juvenile Detention Fund; to provide for oversight and approval of use of funds
9 by the Joint Legislative Committee on the Budget; to provide for audits; to provide
10 relative to terms, conditions, requirements, and procedures; and to provide for related
11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Subpart CC of Part II-A of Chapter 1 of Subtitle I of Title 39, comprised
14 of R.S. 36:100.241 and 100.242, is hereby enacted to read as follows:

15 **SUBPART CC. JUVENILE DETENTION COMMISSION PROGRAM AND**
16 **JUVENILE DETENTION FUND**

17 **§100.241. Juvenile Detention Commission Program**

1 A. As used in this Subpart, the following terms shall have the following
2 meanings:

3 (1) "Commission" shall mean the Juvenile Detention Commission.

4 (2) "Committee" means the Joint Legislative Committee on the Budget.

5 (3) "Division" means the division of administration.

6 (4) "Fund" means the Juvenile Detention Fund.

7 (5) "Program" means the Juvenile Detention Commission Program.

8 (6) "Regional juvenile detention center authority" means any regional
9 juvenile detention center authority created in Title 15 of the Louisiana Revised
10 Statutes of 1950 or as provided in criteria established in the guidance
11 promulgated pursuant to this Section.

12 B.(1) The Juvenile Detention Commission is hereby established to review
13 applications submitted to the Juvenile Detention Commission Program as
14 provided in this Section and make recommendations for funding to the Joint
15 Legislative Committee on the Budget.

16 (2) The commission shall be comprised of the following ten members:

17 (a) The president of the Senate or his designee.

18 (b) A member of the Senate Committee on Judiciary B appointed by the
19 president of the Senate.

20 (c) A member of the Senate Committee on Finance appointed by the
21 president of the Senate.

22 (d) A member of the Senate Committee on Revenue and Fiscal Affairs
23 appointed by the president.

24 (e) The speaker of the House of Representatives or his designee.

25 (f) A member of the House Committee on Administration of Criminal
26 Justice appointed by the speaker of the House of Representatives.

27 (g) A member of the House Committee on Appropriations appointed by
28 the speaker of the House of Representatives.

29 (h) A member of the House Committee on Ways and Means appointed

1 by the speaker of the House of Representatives.

2 (i) Two members appointed by the governor.

3 (3) A Senate member of the commission selected by the president of the
4 Senate and a House member of the commission selected by the speaker of the
5 House of Representatives shall serve as cochairmen of the commission.

6 (4) A quorum of the commission shall be six members. Any
7 recommendations made by the commission shall require the affirmative vote of
8 a majority of the commission provided a quorum is present.

9 (5) The members of the commission shall serve without compensation.
10 The appointed members of the commission who are state employees may receive
11 the same reimbursement of travel expenses for attending the meetings as is
12 allowed for state employees' travel. The appointed members of the commission
13 who are not state employees may receive the same reimbursement of travel
14 expenses for attending the meetings as is allowed for state employees' travel,
15 except all legislative members of the commission shall receive the same per diem
16 and travel expenses for attending meetings of the commission or any meeting
17 thereof as is normally provided for members of the legislature.

18 (6) The staffs of the Senate, House of Representatives, and the legislative
19 fiscal office shall provide staff support and otherwise assist the commission as
20 required by the commission.

21 C. The Juvenile Detention Commission Program is hereby established
22 to provide grant funding for the design, construction, site purchase,
23 refurbishment, site work, and other necessary items or materials for the
24 building, repair, or refurbishment of a fully operational Juvenile Detention
25 Center to house both pre-adjudicated and post-adjudicated juveniles. The
26 division of administration, office of facility planning and control, and the
27 Department of Public Safety and Corrections, office of juvenile justice, shall
28 administer the program in consultation with relevant state agencies and other
29 stakeholders. The division shall establish a working panel comprised of

1 employees of the office of facility planning and control and the office of juvenile
2 justice. The working panel shall review and rate applications submitted by any
3 regional juvenile detention center authority and local governing authorities and
4 submit recommendations for funding to the commission.

5 D. (1) The division shall promulgate guidance for the administration of
6 the program. The guidance shall include application requirements, application
7 period dates and deadlines for submissions and approval, criteria for ratings,
8 and a process for ensuring and prioritizing funding for juvenile detention
9 facilities in regions in this state lacking adequate resources and facilities for
10 housing juveniles from those regions. The Administrative Procedure Act, R.S.
11 49:950 et seq., shall not apply to guidance promulgated pursuant to this Section.
12 No later than August 1, 2024, the division shall submit the proposed guidance
13 to the commission for review and approval. Any changes to the guidance shall
14 require approval by the commission.

15 (2) Prior to the application period, the division shall conduct outreach
16 and educational efforts for all regional juvenile detention center authorities and
17 local governing authorities to raise awareness regarding the program.

18 (3) The division shall post on its website a copy of the guidance
19 promulgated pursuant to this Section as well as any additional information
20 regarding the program, including the application process, procurement, or
21 scoring criteria upon request of the commission.

22 E. In addition to the guidance provided for in Subsection D of this
23 Section, the division shall submit a proposal outlining administrative costs for
24 the program to the commission for review and approval prior to implementing
25 the program. The commission shall review the proposed administrative costs
26 and make a recommendation to the Joint Legislative Committee on the Budget
27 for funding for administrative costs. The committee shall review the
28 recommendations submitted by the commission and approve administrative
29 costs for the program.

1 F. Notwithstanding any provision of law to the contrary, the division may
2 enter into consulting services, professional services, and information and
3 technology services contracts for the purpose of the procurement of any goods
4 or services necessary to implement and expedite the distribution of funds as
5 emergency procurements exempt from the provisions of the Louisiana
6 Procurement Code and corresponding rules and regulations. The cost of such
7 contracts shall be considered administrative costs.

8 G. The division shall begin accepting applications no later than
9 September 1, 2024. The applications shall include, at a minimum, the following:

10 (1) The amount of grant funding requested.

11 (2) A proposed operating budget that identifies and quantifies the
12 following:

13 (a) The anticipated revenues generated by or funds necessary to operate
14 a proposed juvenile detention center.

15 (b) The sources of any anticipated operational revenues or funds.

16 (c) The anticipated costs of daily operation of the proposed juvenile
17 detention center.

18 (d) A three-year and five-year annual overall budget projection.

19 (3) The location of the proposed juvenile detention center and
20 geographical area to be served by the proposed juvenile detention center.

21 (4) The number of pre-adjudicated juveniles and post-adjudicated
22 juvenile beds in the proposed juvenile detention center, which shall include at
23 least thirty-percent of the overall juvenile bed capacity for post-adjudicated
24 juveniles.

25 (5) Proposals for repairs, improvements, or consolidation with regional
26 juvenile detention center authorities, where applicable.

27 (6) Assurance the entity will comply with all state and local regulations
28 and licensing requirements applicable under state and federal law, including the
29 juvenile detention standard for Louisiana.

1 H. Within forty-five days of the end of the application period, the
2 division shall submit the working panel's ratings of proposed projects and
3 recommendations for funding for the projects to the commission. The working
4 panel's recommendations to the commission shall include recommendations for
5 utilization of any existing funding sources known or available to an applicant.

6 I. The commission shall review the ratings and recommendations
7 submitted by the working panel. The commission shall submit its
8 recommendations for grant awards to the Joint Legislative Committee on the
9 Budget.

10 J.(1) The committee shall review the recommendations submitted by the
11 commission and have final approval of projects that receive grant awards
12 through the program.

13 (2) The commission may rescind any grant award for a project if the
14 grant recipient fails to comply with the guidance approved by the commission.

15 K. Beginning January 1, 2025, the division shall submit a quarterly
16 status update, including a construction progress report, for projects that
17 received funding approval to the Juvenile Detention Center Commission and
18 the Joint Legislative Committee on the Budget.

19 L. Each grant recipient that receives funding pursuant to this Section
20 shall comply with the provisions of R.S. 24:513.

21 §100.242. Juvenile Detention Fund

22 A. There is hereby created in the state treasury, as a special fund, the
23 Juvenile Detention Fund.

24 B. Monies in the fund shall be invested in the same manner as monies in
25 the state general fund. Interest earned on the investment of monies in the fund
26 shall be deposited in and credited to the fund.

27 C. Monies in the fund shall be used to provide grant funding for the
28 design, construction, site purchase, refurbishment, site work, and other
29 necessary items or materials for the building, repair, or refurbishment of a fully

house pre- and post-adjudicated juveniles.

Proposed law provides for the administration of the program and the establishment of a working panel to review and rate applications submitted and make recommendations for funding to the commission.

Proposed law requires the division of administration to promulgate guidance for the administration of the program and submit the proposed guidance to the commission for review and approval no later than August 1, 2024.

Proposed law allows the division to enter into consulting services, professional services, and information and technology service contracts for the purpose of the procurement of any goods or services necessary to implement and expedite the distribution of funds as emergency procurements exempt from the La. Procurement Code.

Proposed law requires the division to begin accepting applications no later than September 1, 2024 and provides for application requirements.

Proposed law provides that the working panel's ratings of proposed projects and recommendations for funding be submitted to the commission within 45 days of the end of the application period. Provides that the commission shall review the ratings and recommendations submitted and provide to JLCB its recommendations for grant awards.

Proposed law requires JLCB to review the recommendations submitted by the commission and have final approval of projects that receive grant awards through the program. Allows the commission, without further approval from JLCB, to approve adjustments to any grant award under certain circumstances.

Proposed law provides for the rescission of a grant for failure to comply with proposed law.

Proposed law requires the division, beginning January 1, 2025, to submit a quarterly status update for funded projects to the commission and JLCB.

Proposed law requires grant recipients to comply with audits performed by the legislative auditor as provided in present law. Provides an exception to present law consequences for noncompliance.

Proposed law creates the Juvenile Detention Fund (fund) and requires monies in that fund be used to provide grant funding for the design, construction, site purchase, refurbishment, site work, and other necessary items or materials for the building, repair, or refurbishment of a fully operational juvenile detention center to house both pre-adjudicated and post-adjudicated juveniles in certain circumstances.

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

(Adds R.S. 39:100.241 and 100.242)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Authorizes the president of the Senate and the Speaker of the House of Representatives to select the cochairs of the commission.
2. Provides that the members of the commission shall serve without compensation and authorizes travel expenses and per diem in certain circumstances.

3. Requires the division of administration to submit proposed guidance to the commission for review and approval no later than August 1, 2024.
4. Requires the division to begin accepting applications to the program no later than September 1, 2024.
5. Requires the working panel's ratings of proposed projects and recommendations for funding be submitted to the commission within 45 days of the end of the application period.
6. Removes provisions authorizing the commission to approve adjustments to grant awards and matching fund requirements.
7. Removes provision exempting monies appropriated pursuant to proposed law from certain audit requirements.