

2025 Regular Session

SENATE BILL NO. 74

BY SENATOR SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to criminal court jurisdiction over juveniles.
(8/1/25)

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AN ACT

To amend and reenact Children's Code Arts. 302, 305, and 412(A) and (E)(2)(a), relative to criminal court jurisdiction over juveniles; to provide that special juvenile courts have original jurisdiction over all juvenile misdemeanor and certain juvenile felony cases; to provide that parish or city courts have original jurisdiction over all juvenile misdemeanor and certain juvenile felony cases if a special juvenile court has not been established for the relevant parish; to provide that district courts have exclusive original jurisdiction over certain felony juvenile cases; to provide for the transfer of certain active juvenile felony cases from juvenile courts to district courts; to provide for the applicability of the Code of Criminal Procedure in certain cases; to provide for confidentiality of records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Arts. 302, 305, and 412(A) and (E)(2)(a) are hereby amended and reenacted to read as follows:

Art. 302. Juvenile jurisdiction of courts

Except as otherwise provided by law, Juvenile criminal juvenile
jurisdiction shall be exercised as follows:

1 (1) Special juvenile courts ~~created by law for Caddo, Orleans, Jefferson, and~~
 2 ~~East Baton Rouge Parishes~~ shall have ~~exclusive~~ original criminal juvenile
 3 jurisdiction, ~~and any other jurisdiction conferred by the statute creating them,~~ in the
 4 parish or parishes for which they are created **over cases in which a juvenile is**
 5 **either charged with a misdemeanor or charged with a felony and was less than**
 6 **fifteen years of age at the time the offense is alleged to have been committed.**
 7 Judges of these courts shall exercise their juvenile jurisdiction according to the
 8 provisions of this Code.

9 (2) District courts, ~~except where a separate juvenile court with exclusive~~
 10 ~~original juvenile jurisdiction is established by law,~~ shall have **exclusive** original
 11 juvenile jurisdiction for the parish or parishes within their district **over cases in**
 12 **which a juvenile is charged with a felony delinquent act and was fifteen years**
 13 **of age or older at the time the offense is alleged to have been committed.**

14 (3) Parish courts, except where a separate juvenile court with ~~exclusive~~
 15 original juvenile jurisdiction is established by law, shall have original juvenile
 16 jurisdiction for their parish **over cases in which a juvenile is charged with a**
 17 **misdemeanor or charged with a felony and was less than fifteen years of age at**
 18 **the time the offense is alleged to have been committed.** This jurisdiction shall be
 19 concurrent with that of the district court.

20 (4) City courts, except where a separate juvenile court with ~~exclusive~~ original
 21 juvenile jurisdiction is established by law, shall have original juvenile jurisdiction
 22 for their territorial jurisdiction **over cases in which a juvenile is charged with a**
 23 **misdemeanor or charged with a felony and was less than fifteen years of age at**
 24 **the time the offense is alleged to have been committed.** This jurisdiction shall be
 25 concurrent with that of the district court.

* * *

27 Art. 305. Divestiture of juvenile court jurisdiction; original criminal court
 28 jurisdiction **and venue over children juvenile criminal proceedings**

29 **A.(1) When a juvenile is fifteen years of age or older at the time of the**

1 alleged commission of any felony offense, he is, for the purpose of venue, subject
2 to the exclusive jurisdiction of the district court in the parish of offense
3 exercising criminal jurisdiction, even if the district attorney proceeds pursuant
4 to delinquency provisions under the Children's Code.

5 (2) All juvenile courts with pending felony cases involving a juvenile who
6 was aged fifteen years or older at the time the alleged offense took place shall
7 immediately transfer such cases to the district court in their respective parishes
8 for further proceedings.

9 B.(1) When a child is fifteen years of age or older at the time of the
10 commission of a juvenile is alleged to have been at least fifteen years of age at
11 the time of committing first degree murder, second degree murder, aggravated or
12 first degree rape, or aggravated kidnapping, ~~he is subject to the exclusive jurisdiction~~
13 ~~of the juvenile court until either~~ the district court shall proceed according to the
14 Code of Criminal Procedure rather than this Code if either:

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

16 (b) The ~~juvenile~~ **district** court holds a continued custody hearing pursuant to
17 Articles 819 and 820 and finds probable cause that ~~he~~ **the juvenile** committed one
18 of these offenses, ~~whichever occurs first~~. During this hearing, when the ~~child~~
19 **juvenile** is charged with aggravated or first degree rape, the **district** court shall
20 inform him that if convicted he shall register as a sex offender for life, pursuant to
21 Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

22 ~~(2)(a) The district attorney shall have the discretion to file a petition alleging~~
23 ~~any of the offenses listed in Subparagraph (1) of this Paragraph in the juvenile court~~
24 ~~or, alternatively, to obtain an indictment. If the child~~ **juvenile** is being held in
25 detention, the district attorney shall file the petition or indictment ~~in the appropriate~~
26 ~~court~~ within sixty calendar days after ~~the child's~~ arrest, unless the ~~child~~ **juvenile**
27 waives this right.

28 (b) Failure to institute prosecution as provided in this Subparagraph shall
29 result in release of the ~~child~~ **juvenile** if, after a contradictory hearing with the district

1 attorney, just cause for the failure is not shown. If just cause is shown, the court shall
2 reconsider bail for the ~~child~~ **juvenile**. Failure to institute prosecution as provided in
3 this Subparagraph shall result in the release of the bail obligation if, after a
4 contradictory hearing with the district attorney, just cause for the delay is not shown.

5 (c) When the ~~juvenile~~ **district** court holds a continued custody hearing
6 pursuant to Articles 819 and 820 and finds probable cause that the ~~child~~ **juvenile**
7 committed one of the offenses listed in Subparagraph (1) of this Paragraph, the time
8 limitations contained in this Code are inapplicable and the time period for filing an
9 indictment after arrest shall be governed by Code of Criminal Procedure Article 701.

10 (3) Thereafter, if an indictment is returned, the ~~child~~ **juvenile** is subject to the
11 exclusive jurisdiction of the ~~appropriate court exercising criminal jurisdiction~~
12 **district court** for all subsequent procedures, including the review of bail
13 applications, and the court ~~exercising criminal jurisdiction~~ may order that the ~~child~~
14 **juvenile** be transferred to the appropriate adult facility for detention prior to his trial
15 as an adult. ~~If the district attorney elects to file a petition and the child waives the~~
16 ~~right to a continued custody hearing, the child is subject to the exclusive jurisdiction~~
17 ~~of the juvenile court for all subsequent procedures, including the review of bail~~
18 ~~applications.~~

19 ~~BC.(1) When a child is fifteen years of age or older at the time of the~~
20 ~~commission of any of the offenses~~ **When a juvenile is alleged to have been at least**
21 **fifteen years of age at the time of committing a delinquent act** listed in
22 Subparagraph (2) of this Paragraph, ~~he is subject to the exclusive jurisdiction of the~~
23 ~~juvenile court until whichever of the following occurs first~~ **the district court shall**
24 **proceed according to the Code of Criminal Procedure rather than this Code if**
25 **either:**

26 (a) An indictment charging one of the offenses listed in Subparagraph (2) of
27 this Paragraph is returned.

28 (b) The ~~juvenile~~ **district** court holds a continued custody hearing and finds
29 probable cause that the ~~child~~ **juvenile** has committed any of the offenses listed in

1 Subparagraph (2) of this Paragraph and a bill of information charging any of the
2 offenses listed in Subparagraph (2) of this Paragraph is filed. During this hearing,
3 when the ~~child~~ **juvenile** is charged with forcible or second degree rape or second
4 degree kidnapping, the court shall inform him that if convicted he shall register as
5 a sex offender for life, pursuant to Chapter 3-B of Title 15 of the Louisiana Revised
6 Statutes of 1950.

7 (2)(a) Attempted first degree murder.

8 (b) Attempted second degree murder.

9 (c) Manslaughter.

10 (d) Armed robbery.

11 (e) Aggravated burglary.

12 (f) Forcible or second degree rape.

13 (g) Simple or third degree rape.

14 (h) Second degree kidnapping.

15 (i) Repealed by Acts 2001, No. 301, §2.

16 (j) Aggravated battery committed with a firearm.

17 (k) A second or subsequent aggravated battery.

18 (l) A second or subsequent aggravated burglary.

19 (m) A second or subsequent offense of burglary of an inhabited dwelling.

20 (n) A second or subsequent felony-grade violation of Part X or X-B of
21 Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950 involving the
22 manufacture, distribution, or possession with intent to distribute controlled
23 dangerous substances.

24 (3)(a) The district attorney shall have the discretion to file a petition alleging
25 any of the offenses listed in Subparagraph (2) of this Paragraph in the **juvenile**
26 **district** court or, alternatively, to obtain an indictment or file a bill of information.
27 If the ~~child~~ **juvenile** is being held in detention, the district attorney shall file the
28 indictment, bill of information, or petition ~~in the appropriate court~~ within sixty
29 calendar days after the ~~child's~~ **juvenile's** arrest, unless the ~~child~~ **juvenile** waives this

1 right.

2 (b) Failure to institute prosecution as provided in this Subparagraph shall
3 result in release of the ~~child~~ **juvenile** if, after a contradictory hearing with the district
4 attorney, just cause for the failure is not shown. If just cause is shown, the court shall
5 reconsider bail for the ~~child~~ **juvenile**. Failure to institute prosecution as provided in
6 this Subparagraph shall result in the release of the bail obligation if, after a
7 contradictory hearing with the district attorney, just cause for the delay is not shown.

8 (4) If an indictment is returned or a bill of information is filed, the ~~child~~
9 **juvenile** is subject to the exclusive jurisdiction of the ~~appropriate~~ **district** court
10 ~~exercising criminal jurisdiction~~ for all subsequent procedures, including the review
11 of bail applications, and the district court may order that the ~~child~~ **juvenile** be
12 transferred to the appropriate adult facility for detention prior to his trial as an adult.

13 ~~D~~. Except when a juvenile is held in an adult jail or lockup, the time
14 limitations for the conduct of a continued custody hearing are those provided by
15 Article 819.

16 ~~D~~. ~~The~~ **A district** court exercising criminal jurisdiction **in a juvenile case**
17 shall retain jurisdiction over the ~~child's~~ **juvenile's** case, even though he pleads guilty
18 to or is convicted of a lesser included offense. A plea to or conviction of a lesser
19 included offense shall not reconstitute jurisdiction in ~~the court exercising juvenile~~
20 ~~jurisdiction over such a child~~ **a special juvenile court**.

21 ~~E~~.(1) If a competency or sanity examination is ordered, except for the filing
22 of a delinquency petition, the return of an indictment, or the filing of a bill of
23 information, no further steps to prosecute the ~~child~~ **juvenile** shall occur until the
24 court exercising criminal jurisdiction appoints counsel for the ~~child~~ **juvenile** and
25 provides notification in accordance with Article 809 and determines the ~~child's~~
26 **juvenile's** mental capacity to proceed.

27 (2) When an indictment has been returned or a bill of information has been
28 filed pursuant to this Subsection, the district court exercising criminal jurisdiction
29 shall be the proper court to determine the ~~child's~~ **juvenile's** mental capacity to

1 proceed. In all other instances, the juvenile court shall be the proper court to make
2 this determination.

3 * * *

4 Art. 412. Confidentiality of records; disclosure exceptions; sanctions

5 A. Records and reports concerning all matters or proceedings before ~~the~~
6 ~~juvenile court~~ **a court exercising juvenile jurisdiction**, except traffic violations, are
7 confidential and shall not be disclosed except as expressly authorized by this Code.
8 Any person authorized to review or receive confidential information shall preserve
9 its confidentiality unless a court order authorizes them to share with others.

10 * * *

11 E. * * *

12 (2) The petition must:

13 (a) Be filed with the **district court or** juvenile court and served on the
14 juvenile and his attorney.

15 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

SB 74 Original DIGEST 2025 Regular Session Seabaugh

Present law provides that special juvenile courts have jurisdiction over all criminal matters involving juveniles in their respective jurisdictions. Present law further provides that parish and city courts each have concurrent jurisdiction for their territorial limits with their respective district courts over criminal matters involving juveniles unless a separate juvenile court, with exclusive original jurisdiction, has been established for the respective parish.

Proposed law provides that district courts have jurisdiction over felony cases involving a juvenile when the delinquent act is alleged to have been committed when the juvenile was 15 years of age or older.

Proposed law further provides that special juvenile courts have juvenile jurisdiction for all misdemeanor cases and felony cases involving a juvenile who was under 15 years of age or older when the alleged delinquent act was committed.

Proposed law provides that juvenile courts immediately transfer all pending felony cases involving a juvenile who was under 15 years of age when the alleged delinquent act was committed to the appropriate district court for further proceedings.

Proposed law otherwise retains present law.

Present law provides that a juvenile is subject to the exclusive jurisdiction of the juvenile court if he was 15 years of age or older prior to allegedly committing certain felonies until either an indictment is returned or the juvenile court holds a continued custody hearing and finds probable cause that he committed the alleged offense. Present law also provides that the district attorney has discretion to proceed under either the Children's Code or the Code of Criminal Procedure.

Proposed law removes the district attorney's discretion and provides that a juvenile who is 15 years of age or older at the time of allegedly committing certain felonies is subject to the Code of Criminal Procedure if either an indictment charging one of the specified offenses is returned or the district court holds a continued custody hearing and finds probable cause that one of those offenses has been committed.

Proposed law otherwise retains present law.

Present law provides that a district attorney has discretion to initiate prosecution against a juvenile who is at least 15 years of age at the time he is alleged to have committed certain enumerated felonies under either the Children's Code or the Code of Criminal Procedure. Present law also provides that juvenile court has exclusive jurisdiction over these cases until either an indictment charging one of the enumerated offenses is returned or the juvenile court holds a continued custody hearing and finds probable cause that one of the certain offenses has been committed.

Proposed law removes the district attorney's discretion and provides that a juvenile who is at least 15 years of age at the time he is alleged to have committed an enumerated felony be tried according to the Code of Criminal Procedure if either an indictment is returned or the district court holds a continued custody hearing and finds probable cause that he committed the alleged offense.

Proposed law otherwise retains present law.

Effective August 1, 2025.

(Amends Ch.C. Arts. 302, 305, and 412(A) and (E)(2)(a))