

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)

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 criminal 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 for district attorneys' authority to transfer juvenile cases to district, parish, or city courts under certain circumstances; 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) Special juvenile courts ~~created by law for Caddo, Orleans, Jefferson, and~~

(4) City courts, except where a separate juvenile court with ~~exclusive~~ original juvenile jurisdiction is established by law, shall have original juvenile jurisdiction for their territorial jurisdiction. This jurisdiction shall be concurrent with that of the district court.

**(c) Cases in which a juvenile is charged with either a felony or**

1 misdemeanor and was less than fifteen years of age at the time the offense is  
2 alleged to have been committed may be transferred to the city court.

3 (2) The attorney general, if sitting as district attorney ad hoc, shall have  
4 the same discretion as provided to a district attorney in Subparagraph (1) of  
5 this Paragraph.

6 B.(1) When a child is fifteen years of age or older at the time of the  
7 commission of first degree murder, second degree murder, aggravated or first degree  
8 rape, or aggravated kidnapping, he is subject to the ~~exclusive~~ original jurisdiction  
9 of the juvenile court until either:

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

11 (b) The juvenile court holds a continued custody hearing pursuant to Articles  
12 819 and 820 and finds probable cause that ~~he~~ the juvenile committed one of these  
13 offenses, whichever occurs first. During this hearing, when the ~~child~~ juvenile is  
14 charged with aggravated or first degree rape, the court shall inform him that if  
15 convicted he shall register as a sex offender for life, pursuant to Chapter 3-B of Title  
16 15 of the Louisiana Revised Statutes of 1950.

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

23 (b) Failure to institute prosecution as provided in this Subparagraph shall  
24 result in release of the ~~child~~ juvenile if, after a contradictory hearing with the district  
25 attorney, just cause for the failure is not shown. If just cause is shown, the court shall  
26 reconsider bail for the ~~child~~ juvenile. Failure to institute prosecution as provided in  
27 this Subparagraph shall result in the release of the bail obligation if, after a  
28 contradictory hearing with the district attorney, just cause for the delay is not shown.

29 (c) When the juvenile court holds a continued custody hearing pursuant to

Articles 819 and 820 and finds probable cause that the ~~child~~ **juvenile** committed one of the offenses listed in Subparagraph (1) of this Paragraph, the time limitations contained in this Code are inapplicable and the time period for filing an indictment after arrest shall be governed by Code of Criminal Procedure Article 701.

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

~~BC.~~(1) When a child is fifteen years of age or older at the time of the commission of any of the offenses listed in Subparagraph (2) of this Paragraph, he is subject to the ~~exclusive~~ **original** jurisdiction of the juvenile court until whichever of the following occurs first:

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

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

(2)(a) Attempted first degree murder.

(b) Attempted second degree murder.

(c) Manslaughter.

(d) Armed robbery.

(e) Aggravated burglary.

(f) Forcible or second degree rape.

(g) Simple or third degree rape.

(h) Second degree kidnapping.

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

(j) Aggravated battery committed with a firearm.

(k) A second or subsequent aggravated battery.

(l) A second or subsequent aggravated burglary.

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

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

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

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

(4) If an indictment is returned or a bill of information is filed, the ~~child~~ **juvenile** is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail

1 applications, and the district court may order that the ~~child~~ **juvenile** be transferred  
2 to the appropriate adult facility for detention prior to his trial as an adult.

3 ~~ED~~. Except when a juvenile is held in an adult jail or lockup, the time  
4 limitations for the conduct of a continued custody hearing are those provided by  
5 Article 819.

6 ~~DE~~. The **A district** court exercising criminal jurisdiction **in a juvenile case**  
7 shall retain jurisdiction over the ~~child's~~ **juvenile's** case, even though he pleads guilty  
8 to or is convicted of a lesser included offense. A plea to or conviction of a lesser  
9 included offense shall not revest jurisdiction in ~~the court exercising juvenile~~  
10 ~~jurisdiction over such a child~~ **a special juvenile court**.

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

17 (2) When an indictment has been returned or a bill of information has been  
18 filed pursuant to this Subsection, the district court exercising criminal jurisdiction  
19 shall be the proper court to determine the ~~child's~~ **juvenile's** mental capacity to  
20 proceed. In all other instances, the juvenile court shall be the proper court to make  
21 this determination.

22 \* \* \*

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

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

29 \* \* \*

1 E. \* \* \*

2 (2) The petition must:

3 (a) Be filed with the ~~juvenile court~~ **court exercising juvenile jurisdiction**

4 and served on the juvenile and his attorney.

5 \* \* \*

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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)]

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#### DIGEST

SB 74 Engrossed

2025 Regular Session

Seabaugh

Present law provides that special juvenile courts will have original and exclusive 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 removes exclusive jurisdiction over juvenile criminal cases from special juvenile courts and allows juvenile criminal cases to be heard by district, parish, or city courts in certain circumstances. 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 provides that a district attorney, or the attorney general if sitting as a district attorney ad hoc, will have the discretion to transfer any case before a special juvenile court to a district, parish, or city court in certain circumstances.

Proposed law otherwise retains present law.

Effective August 1, 2025.

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

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete proposed law giving certain courts exclusive original jurisdiction over certain juvenile cases.
2. Authorize district attorneys, or the attorney general if sitting as a district attorney ad hoc, to transfer juvenile criminal matters from special juvenile courts to district, parish, or city courts in certain circumstances.

3. Remove proposed law requiring certain juvenile felony cases to be transferred from juvenile courts to district courts.
4. Make technical changes.