

Regular Session, 2004

ACT No. 852

HOUSE BILL NO. 956

BY REPRESENTATIVES DURAND AND DORSEY

AN ACT

To amend and reenact R.S. 15:85.1(C) and to enact R.S. 15:85.2 and Chapter 16 of Title VII of the Children's Code, to be comprised of Articles 792 through 792.3, relative to the creation of an early intervention pilot program for at-risk children and their families in certain parishes; to provide for program purposes; to provide for collaboration among district attorneys, local school boards, law enforcement agencies, and community service organizations in the development and implementation of such program; to provide relative to program funding, reporting, and termination; to provide relative to the Sixteenth Judicial District Attorney Early Intervention Fund; to provide for monies to be deposited in such fund and how those monies are to be distributed; to delete the waiver of fees on criminal bonds; to provide for effectiveness; and to provide for related matters.

Notice of intention to introduce this Act has been published
as provided by Article III, Section 13 of the Constitution of
Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 16 of Title VII of the Children's Code, comprised of Articles 792 through 792.3, is hereby enacted to read as follows:

CHAPTER 16. EARLY INTERVENTION PROGRAMS

Art. 792. Early intervention pilot program; authorization; purpose

The purpose of this Article and Articles 792.1 through 792.3 is to authorize the creation of an early intervention pilot program, hereinafter referred to as the "pilot program", in the parishes of Iberia, St. Mary, and St. Martin which shall serve as pilot sites. The purpose of the program shall be to address the underlying causes of behavioral problems and school performance problems related to behavior by pooling

1 existing resources targeted at the child and family through appropriate action by
2 service and treatment providers. The legislature finds:

3 (1) Research indicates that early identification and intervention of aggressive,
4 antisocial, or delinquent behaviors are critical to the prevention of juvenile
5 delinquency in later years.

6 (2) Research also indicates that school-based preventive tactics for violent or
7 aggressive behaviors are beneficial to the overall academic success of children,
8 especially when such programs include parental involvement in prevention and
9 intervention strategies.

10 (3) The district attorney of Iberia, St. Mary, and St. Martin parishes, in
11 conjunction with the local school boards in such parishes, has demonstrated a
12 willingness to address behavioral problems or school performance problems related
13 to behavior by providing physical locations in each parish where personnel can work
14 together in a coordinated effort.

15 (4) Early intervention has been demonstrated as the key to providing the
16 greatest chance for correcting the actions of youth who demonstrate a propensity for
17 destructive or criminal behavior.

18 (5) The earliest possible venue for addressing the problem begins in the
19 elementary grades.

20 (6) By intervening at this phase, it is possible to correct potential delinquent
21 behavior before the changes for correction become insurmountable.

22 Art. 792.1. Community involvement

23 In the event that the pilot program is created, duly authorized representatives
24 of the local school board, law enforcement agencies, including sheriffs' offices and
25 city and municipal police offices, courts exercising jurisdiction over juveniles and
26 their caretakers, and designated service providers shall sign interagency agreements
27 specific to each parish representing a commitment by each entity to agree to provide
28 the following types of services:

1 (1) The local school board in the parish shall assist in creating student
2 background data, including attendance records, unexcused absences, conduct
3 violations, discipline records, report cards, and transcripts as permitted by law. The
4 board also shall provide access to all school-based education, counseling, and related
5 services.

6 (2) Law enforcement agencies in the parish, including the sheriff and
7 municipal and local police, shall provide law enforcement necessary to assist the
8 program to reach its goals. These services shall include but shall not be limited to
9 the following:

10 (a) Supporting early intervention in the implementation of strategies that
11 combat behavioral problems in the school setting.

12 (b) Delivering court appearance notices and subpoenas.

13 (c) Accompanying early intervention staff on home visits when needed.

14 (3) Families in need of services personnel shall work in partnership with the
15 early intervention staff when clients are referred to the families in need of services
16 program. Case plans shall be reviewed with families in need of services personnel
17 and early intervention staff and client progress shall be monitored. Families in need
18 of services personnel shall file all petitions in the event of noncompliance of a plan,
19 and provide with respect to court appearances and the coordination of other services.

20 (4) Courts having jurisdiction over children and their families shall work
21 with collaborating agencies to identify youth and monitor treatment plan progress
22 and, when possible, assist program staff in obtaining and utilizing a continuum of
23 services and sanctions for identified youth. The courts, in conjunction with the
24 district attorneys, shall direct formal court action on noncompliance cases and
25 integrate the needs of at-risk families with existing court programs and services.

26 (5) Through multiagency collaborative efforts between various community
27 service organizations, there shall be a unified effort to provide services related to
28 child abuse and neglect to identified youth. Service and treatment plans shall be
29 developed, including mental health evaluation and treatment, with parental substance

1 abuse evaluation and treatment, educational evaluation, probation services, and
2 alternative school placement and guidance.

3 (6) The district attorney shall designate prosecutors to work with the courts
4 to assist at-risk families early in their court involvement and assist with data follow-
5 up and outcome evaluation. Additionally, the district attorney, if necessary, shall
6 institute charges that may be levied against the family when they are noncompliant
7 with the service plan.

8 Art. 792.2. Reporting; funding; implementation; termination

9 A. No later than June fifteenth of each year, the district attorney shall report
10 statistical data indicating the effectiveness of the pilot program to the appropriate
11 standing committees of the legislature for use by the committees in consideration of
12 the continuation or expansion of the program.

13 B. The pilot program shall be implemented in three phases as follows:

14 (1) Phase one shall be implemented in grades pre-kindergarten through six.

15 (2) Phase two shall be implemented in grades seven and eight.

16 (3) Phase three shall be implemented in grades nine through twelve.

17 C. All children who enroll in a public school within the Sixteenth Judicial
18 District in grades pre-kindergarten to sixth, shall be required to follow all compulsory
19 attendance requirements in R.S. 17:221, et seq. and all families in need of services
20 provisions in Children's Code Article 726, et seq.

21 D. The implementation of this pilot program may be subject to appropriation
22 of funds by the legislature for such purpose.

23 E. The pilot program shall terminate on July 1, 2009.

24 Article 792.3. Early intervention fund; fees collected

25 A. In all criminal matters except for matters involving traffic violations in the
26 parishes of Iberia, St. Mary, and St. Martin, there shall be taxed against every
27 defendant who is convicted after trial or after a plea of guilty or nolo contendere or
28 who forfeits his bond, a sum in the amount of twenty-five dollars for each
29 misdemeanor and fifty dollars for each felony, which shall be in addition to all other

finances, costs, or forfeitures lawfully imposed, and which shall be transmitted to the sheriff for further disposition in accordance with the provisions of this Article.

B. The sheriff shall deposit all sums collected or received pursuant to this Article in a separate account to be designated as the Sixteenth Judicial District Attorney Early Intervention Fund. The sheriff shall remit on a quarterly basis funds collected in such account to the office of the district attorney. The district attorney shall cause to be conducted on an annual basis an audit of the fund and the books and accounts relating thereto and shall file such audit information with the office of the legislative auditor where it shall be available for public inspection. In matters involving any court other than the district court, the clerk of court or the appropriate court personnel shall remit the money to the sheriff of the respective parish.

Section 2. R.S. 15:85.1(C) is hereby amended and reenacted and R.S. 15:85.2 is hereby enacted to read as follows:

§85.1. Posting of criminal bond; fee assessed

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~~C.(1) Any person who claims to be incapable of paying the fee to secure his release from jail may petition the district court for a waiver or refund of the fee assessed pursuant to the provisions of this Section.~~

(2) Any person found not guilty or any person against whom criminal charges are brought and thereafter dismissed may petition the district court for a refund of the fee assessed pursuant to the provisions of this Section.

§85.2. Posting of criminal bonds in parishes of Iberia, St. Mary, and St. Martin; fee assessed

A. A fee of twelve dollars shall be assessed for every criminal bond posted in the parishes of Iberia, St. Mary, and St. Martin. Any person seeking release by means of a criminal bond in these parishes, or their designated representative, shall pay the fee to the sheriff of that parish who shall deposit the funds in the Sixteenth Judicial District Attorney Early Intervention Fund.

1 B. If the district attorney declines to prosecute a person who has paid this fee
2 or the prosecution results in an acquittal, dismissal, or granting of a motion to quash,
3 then the person who paid the fee shall be entitled to a refund after submitting a
4 request for a refund of the fee to the district court within twenty days of the final
5 disposition of the case. The district attorney shall refund the fee within twenty days
6 after receiving notice of the court's order granting the request for a refund.

7 Section 3. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____