

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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 301 Re-Reengrossed

2016 Regular Session

Morrell

Proposed law creates the Juvenile Justice Accountability and Cost Effectiveness Act of 2016.

Proposed law provides for electronic systems to compile statistical data to assist in the determination of levels of accountability, cost effectiveness, and reinvestment in the juvenile justice system.

Proposed law requires the office of juvenile justice (OJJ) to collect, maintain, and regularly report a record of statistical data concerning the services it provides, the youth it serves, the outcomes experienced, and the funds expended. Provides for publication of reports and the types of data to be collected. Requires first report to be published electronically no later than January 15, 2018. Requires data to be published statistically without any identifying information.

Proposed law defines "episode" as a singular instance in which a youth is placed under the supervision, care, or custody of OJJ.

Proposed law requires OJJ to cooperate and coordinate with courts, juvenile court clerks, detention centers, and public and private agencies in collecting its data.

Proposed law requires the OJJ to collect and maintain 26 different items of data on the children it serves. Requires the data to be maintained for a minimum of five years.

Proposed law requires specific data to be collected from all facilities that detain juveniles and provides that the information be available for inspection by any court exercising juvenile jurisdiction and DCFS.

Proposed law creates a Juvenile Justice Reinvestment Program as a fiscal incentive program to fund local efforts to enhance safety while reducing juvenile justice system costs.

Proposed law requires the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to determine data for calculating reductions and increases in custody placements and to report fiscal impacts on February first of each year starting in 2017.

Proposed law provides for the development of requirements for program grant applications and a review of these applications.

Proposed law defines "contract" as any legally binding agreement that requires the provisions of services to youth or their families in exchange for the direct or indirect payment, exchange, or granting of funds.

Present law provides that contracts for nonstate providers for services to juvenile offenders assigned to DPS&C or their families shall not exceed five years without renewal or negotiation.

Proposed law provides that contracts for nonstate providers for services to juvenile offenders assigned to OJJ or their families shall not exceed five years without renewal or negotiation.

Proposed law provides that any contract entered into by OJJ to provide services to youth or their families shall be performance based and include financial disincentives or consequences based on the results achieved by the contractor.

Proposed law requires OJJ to annually publish a report detailing all contracts entered into for services to youth or their families no later than October 15th each year beginning October 15, 2017.

Proposed law prohibits any child younger than age 13 from being detained in a juvenile detention facility when taken into custody for the alleged commission of a misdemeanor-grade delinquent act.

Proposed law provides that no judge shall order a youth who is 13 years of age or older and who is taken into custody for a felony-grade delinquent act or for a misdemeanor-grade act based on an offense against the person of another be placed in a shelter facility.

Proposed law provides that if a child is adjudicated for a felony-grade offense that is not a crime of violence and is committed to custody of DPS&C, the total duration of the commitment imposed shall not exceed nine months if the following conditions are met:

- (1) The child is brought in person before the court for a contradictory modification hearing before the lapse of the maximum duration of the initial nine-month commitment.
- (2) The court finds by clear and convincing evidence that continued out-of-home placement is necessary for completion of the child's treatment.

Proposed law provides that if a child is adjudicated for a felony-grade offense that is not a crime of violence and is placed on probation, the total duration of the probation shall not exceed 18 months unless the child is brought before the court for a hearing and the court finds that continued probation is necessary.

Proposed law provides that if a court continues a child's probation beyond 18 months, it must hold a hearing every six months to determine if probation should be terminated or extended.

Present law provides that no judgment of disposition shall remain in force for a period exceeding the maximum term of imprisonment for the offense which forms the basis for the adjudication, except that if the child is placed on probation, the term of probation may extend for two years or longer if the child is in a full-time juvenile drug court program as a condition of probation.

Proposed law retains present law and decreases the maximum term of probation from two years to one year.

Present law, in delinquency proceedings, authorizes a court, when a child is adjudged guilty of direct contempt of court or constructive contempt of court for repeated disobedience of the court's judgment of disposition, to commit the child to a juvenile detention center for not more than 15 days including time spent in detention for the contempt prior to the contempt hearing.

Proposed law retains present law but reduces the time to not more than seven days for a first offense in any 12-month period. Provides that for a second offense in any 12-month period, the court may commit the child to a juvenile detention center for not more than ten days, including the time spent in detention for the contempt prior to the contempt hearing; for a third or subsequent offense in any 12-month period, the court can commit the child to a juvenile detention center for not more than 15 days, including the time spent in detention for the contempt prior to the contempt hearing.

Present law provides that in families in need of services proceedings, when the child is adjudged guilty of contempt, the court may commit the child to a secure detention facility for not more than 15 days under certain conditions.

Proposed law retains present law but reduces the amount of time the child may be held from 15 to seven days.

(Amends R.S. 15:1087, Ch.C. Arts. 815, 898, 900(A), and 1509.1(A) and (C); Adds R.S. 15:931-945)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Technical amendments to language.
2. Adds definition for "episode".
3. Removes requirement that statistical data on the office of juvenile justice website be in a format that is searchable and intelligible to the general public.
4. Changes what data is required to be collected and maintained by the office of juvenile justice for each child served.
5. Changes determinations the Louisiana Commission on Law Enforcement and Administration of Criminal Justice must make regarding costs.
6. Removes provisions granting a cause of action to enjoin DPS&C or OJJ for failure to comply with applicable provisions.
7. Changes annual publication date of OJJ's report describing contracts entered into for services to youth and their families from May 15th of each year to October 15th of each year.

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

1. Deletes the provisions relative to district courts which requires each clerk of a court exercising juvenile delinquency and felony criminal jurisdiction to collect and provide to the La. Supreme Court data as may be necessary for reporting on the juvenile justice system.

Senate Floor Amendments to reengrossed bill

1. Removes provision including periods of suspended commitment from the total duration of commitment when a child is adjudicated for a felony-grade offense that is not a crime of violence.
2. Increases time a child may be committed to a juvenile detention center for first and second offenses when a child is guilty of contempt of court.
3. Increases the period of time a child may be held in a secure detention facility when the family is in needs of service proceedings.
4. Makes technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the re-reengrossed bill:

1. Make technical changes.