

SENATE BILL NO. 324

BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS, BOUIE, GARY CARTER, CONNICK, COX, GLOVER, JIMMY HARRIS, HILFERTY, HUNTER, JACKSON, JAMES, TERRY LANDRY, LEGER, LYONS, MAGEE, MARCELLE, DUSTIN MILLER, MORENO, NORTON AND SMITH

1 AN ACT

2 To amend and reenact Children's Code Arts. 305(A)(2), 306(D), and 804(1) and to enact  
3 Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised  
4 of R.S. 15:1441 and 1442, and Children's Code Art. 306(G), relative to juvenile  
5 jurisdiction; to provide for a child who commits a delinquent act before a certain age;  
6 to provide for transfer of juveniles to adult detention centers pending trial; to create  
7 the Juvenile Jurisdiction Planning and Implementation Committee; to provide for  
8 membership, authority, duties, and responsibilities; to provide for directives to the  
9 Louisiana State Law Institute, Louisiana Judicial Council, and Department of  
10 Children and Family Services; to provide for an effective date; and to provide for  
11 related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 13-B of Title 15 of the Louisiana Revised Statutes of 1950,  
14 comprised of R.S. 15:1441 and 1442, is hereby enacted to read as follows:

15 **CHAPTER 13-B. JUVENILE JURISDICTION**

16 **PLANNING AND IMPLEMENTATION ACT**

17 **§1441. Short title**

18 **This Chapter shall be known and may be cited as the "Juvenile**  
19 **Jurisdiction Planning and Implementation Act".**

20 **§1442. Louisiana Juvenile Jurisdiction Planning Implementation Committee;**

1 composition; authority; responsibilities

2 A. The Louisiana Juvenile Jurisdiction Planning and Implementation  
3 Committee, hereafter referred to as the "committee", is hereby created as a  
4 committee of the Juvenile Justice Reform Act Implementation Commission  
5 established pursuant to R.S. 46:2751 et seq.

6 B. The committee shall have the following authority, duties, and  
7 responsibilities:

8 (1) Not later than January 1, 2017, the committee shall develop and  
9 submit to the commissioner of administration, the president of the Senate, and  
10 the speaker of the House of Representatives a plan for full implementation of  
11 the provisions of this Chapter. The plan shall include recommendations for  
12 changes required in the juvenile justice system to expand jurisdiction to include  
13 persons seventeen years of age. These recommendations may include the  
14 following items:

15 (a) The development of programs and policies that can safely reduce the  
16 number of youth in the juvenile justice system, including expanded use of  
17 diversion where appropriate; development and use of civil citation programs;  
18 use of evidence-based and promising services wherever possible; and  
19 reinvestment programs targeting the expanded use of community-based  
20 alternatives to secure, nonsecure, and pre-disposition custody.

21 (b) The development of comprehensive projections to determine the  
22 long-term distribution of placement capacity for youth in the juvenile justice  
23 system.

24 (c) An analysis of the impact of the expansion of juvenile jurisdiction to  
25 persons seventeen years of age on state agencies and a determination of which  
26 state agencies shall be responsible for providing relevant services to juveniles,  
27 including but not limited to mental health and substance abuse services,  
28 housing, education, and employment.

29 (2) Not later than April 1, 2017, and quarterly thereafter, the committee  
30 shall submit a written status report to the commissioner of administration, the

1 president of the Senate, and the speaker of the House of Representatives on  
2 implementation of the plan as provided in this Subsection.

3 (3) The committee shall have such powers, authority, and prerogatives  
4 as provided for the Juvenile Justice Reform Act Implementation Commission  
5 pursuant to R.S. 46:2754 et seq.

6 C. The committee shall be composed of the following members:

7 (1) Each member of the Juvenile Justice Reform Act Implementation  
8 Commission shall be an ex officio member.

9 (2) Two sitting Louisiana judges: one appointed by the president of the  
10 Louisiana District Judges Association and one appointed by the president of the  
11 Louisiana Council of Juvenile and Family Court Judges.

12 (3) The deputy secretary of the office of juvenile justice, or his designee.

13 (4) The superintendent of the state Department of Education, or his  
14 designee.

15 (5) The executive director of the Louisiana Sheriffs' Association, or his  
16 designee.

17 (6) The president of the Louisiana Juvenile Detention Association, or his  
18 designee.

19 (7) An attorney appointed by the Louisiana Public Defender Board that  
20 is an expert in juvenile defense.

21 (8) The executive director of the Children's Cabinet.

22 (9) The director of the Institute for Public Health and Justice, or his  
23 designee.

24 (10) Two child or youth advocates, one appointed by the president pro  
25 tempore of the Senate and one appointed by the speaker pro tempore of the  
26 House of Representatives.

27 (11) Two parents of children who have been involved in the juvenile  
28 justice system, one appointed by the executive director of the Cecil J. Picard  
29 Center for Child Development and Lifelong Learning and one appointed by the  
30 executive director of the Children's Coalition for Northeast Louisiana.

1                   (12) An expert in juvenile justice, appointed by the chair of the  
2                   Children's Code Committee of the Louisiana State Law Institute.

3                   (13) Two youth representatives who have been prosecuted in criminal  
4                   court at the age of seventeen, one appointed by the executive director of  
5                   LouisianaChildren.org and one appointed by the executive director of the  
6                   Family and Youth Counseling Agency of Lake Charles, Louisiana.

7                   (14) A representative of the Police Jury Association of Louisiana.

8                   (15) An attorney appointed by the Louisiana District Attorneys  
9                   Association that is an expert in juvenile prosecution.

10                  D.(1) All appointments to the committee shall be made not later than  
11                  September 1, 2016. Any vacancy on the committee shall be filled by the  
12                  respective appointing authority.

13                  (2) The executive director of the Children's Cabinet shall serve as chair  
14                  of the committee and shall convene the committee no later than October 1, 2016.

15                  (3) The members of the committee shall serve without compensation,  
16                  except the compensation to which they may be individually entitled to as a  
17                  member or employee of their respective organization or agency.

18                  (4) A majority of the total committee membership shall constitute a  
19                  quorum and any official action by the committee shall require an affirmative  
20                  vote of a majority of the quorum present and voting.

21                  (5) The committee shall conduct meetings as it deems necessary to fully  
22                  and effectively perform its duties and accomplish the objectives and purposes  
23                  of this Chapter and may receive testimony and information relative to any of  
24                  the subjects enumerated in this Chapter.

25                  (6) The committee shall terminate on December 31, 2020.

26                  Section 2. Children's Code Art. 305(A)(2), 306(D), and 804(1) are hereby amended  
27                  and reenacted and Children's Code Art. 306(G) is hereby enacted to read as follows:

28                  Art. 305. Divestiture of juvenile court jurisdiction; original criminal court  
29    jurisdiction over children; when acquired

30    A.(1)    \*    \*    \*

1 (2) Thereafter, the child is subject to the exclusive jurisdiction of the  
 2 appropriate court exercising criminal jurisdiction for all subsequent procedures,  
 3 including the review of bail applications, and the ~~child shall be transferred forthwith~~  
 4 ~~to the appropriate adult facility for detention prior to his trial as an adult~~ **court**  
 5 **exercising criminal jurisdiction may order that the child be transferred to the**  
 6 **appropriate adult facility for detention prior to his trial as an adult.**

7 \* \* \*

8 Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

9 \* \* \*

10 D. If at the conclusion of the continued custody hearing, the court determines  
 11 that the child meets the age requirements and that there is probable cause that the  
 12 child has committed one of the offenses enumerated in Article 305, the court shall  
 13 order him held for trial as an adult for the appropriate court of criminal jurisdiction.  
 14 The ~~child shall~~ **appropriate court of criminal jurisdiction may** thereafter **order**  
 15 **that the child** be held in any facility used for the pretrial detention of accused adults  
 16 and **the child** shall apply to the appropriate court of criminal jurisdiction for a  
 17 preliminary hearing, bail, and for any other rights to which he may be entitled under  
 18 the Code of Criminal Procedure.

19 \* \* \*

20 **G. Notwithstanding any provision of law to the contrary, a child who is**  
 21 **subject to criminal jurisdiction pursuant to Article 305 shall not be detained**  
 22 **prior to trial in a juvenile detention facility after reaching the age of eighteen**  
 23 **if the governing authority with funding responsibility for the juvenile detention**  
 24 **facility objects to such detention.**

25 \* \* \*

26 Art. 804. Definitions

27 As used in this Title:

28 (1)~~(a)~~**(a)**"Child" means any person under the age of twenty-one, including an  
 29 emancipated minor, who commits a delinquent act before attaining seventeen years  
 30 of age.

1                   **(b) After June 30, 2018, "child" means any person under the age of**  
 2                   **twenty-one, including an emancipated minor, who commits a delinquent act on**  
 3                   **or after July 1, 2018, when the act is not a crime of violence as defined in R.S.**  
 4                   **14:2, and occurs before the person attains eighteen years of age.**

5                   **(c)(i) After June 30, 2020, "child" means any person under the age of**  
 6                   **twenty-one, including an emancipated minor, who commits a delinquent act on**  
 7                   **or after July 1, 2020, and before the person attains eighteen years of age.**

8                   **(ii) Notwithstanding Item (i) of this Subparagraph, a child who has**  
 9                   **attained the age of seventeen shall be subject to criminal jurisdiction pursuant**  
 10                  **to Article 305 or 857.**

11   \*       \*       \*

12                  Section 3.(A) The Louisiana State Law Institute is hereby directed to study, and to  
 13                  recommend to the Legislature in a written report, such other amendments and additions to  
 14                  the Louisiana Children's Code, Louisiana Code of Criminal Procedure, and the Louisiana  
 15                  Revised Statutes as may be appropriate to effectuate the purpose of this Act to include  
 16                  seventeen-year-olds in the juvenile justice system. The Louisiana State Law Institute shall  
 17                  make its report, and shall recommend such legislation as it may deem appropriate, to the  
 18                  Legislature by March 1, 2017.

19                  (B) The Louisiana Judicial Council is hereby requested to study, and to recommend  
 20                  to the Louisiana Supreme Court, such amendments and additions to Louisiana's Rules of  
 21                  Court as may be appropriate to effectuate the purpose of this Act to include  
 22                  seventeen-year-olds in the juvenile justice system.

23                  (C) The Department of Children and Family Services is hereby directed to study, and  
 24                  to recommend for promulgation into law through the Administrative Procedure Act, such  
 25                  new or amended regulations for the safe operation of the state's juvenile detention centers  
 26                  as may be appropriate given the inclusion of seventeen-year-olds in the juvenile justice  
 27                  system.

28                  Section 4. This Act shall become effective upon signature by the governor or, if not  
 29                  signed by the governor, upon expiration of the time for bills to become law without signature  
 30                  by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

3 Section 5. This Act shall be known as the "Raise the Age Louisiana Act of 2016".

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_