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2 D.(1) Upon commitment to the Department of Public Safety and Corrections,

3 the department shall have sole custody of the child and, except as provided for in

4 Children's Code Article 897.1, shall determine the child's placement, care, and

5 treatment, and the expenditures to be made therefor, through appropriate

6 examinations, tests, or evaluations conducted under the supervision of the

7 department. The department shall comply with ~~Chapter 2 of Title VII-A and~~ **the**

8 **provisions of** Chapter 17 of Title VIII of the Children's Code for any modification

9 of the original disposition when the adjudicated juvenile has been placed in the

10 custody of the department. ~~The department shall not modify any disposition under~~

11 ~~Children's Code Article 897.1.~~

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§906. Release from commitment

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14 A.(1) Except as provided for in Children's Code Article 897.1, the

15 Department of Public Safety and Corrections may recommend to the committing

16 court the release of any juvenile committed to its care, who, in the opinion of the

17 department, is ready to be returned to his own home, or to a substitute home. Such

18 juvenile may be discharged by the court without supervision or may be placed under

19 supervision until further orders of the court.

20 ~~(2)B. Except as provided for in Subsection B of this Section, it~~ **It** is hereby

21 declared to be the public policy of this state that commitment of a juvenile to the care

22 of the department is not punitive nor **is it** in anywise **way** to be construed as a penal

23 sentence, but as a step in the total treatment process toward rehabilitation of the

24 juvenile and that, therefore, the recommendations of the department should be given

25 careful consideration by the court in determining what is to the best interest of the

26 juvenile. If, after release from the care of the department, but while the juvenile is

27 still under the supervision of the court, the court deems it advisable to return the

28 juvenile to the care of the department, a recommitment order shall be furnished the

29 department.

1 ~~B. In cases governed by Children's Code Article 897.1, it is hereby declared~~
2 ~~to be the public policy of this state that commitment of a juvenile to the custody of~~
3 ~~the Department of Public Safety and Corrections for confinement in~~
4 ~~secure placement without benefit of parole, probation, suspension of imposition or~~
5 ~~execution of sentence, or modification of sentence, is necessary and proper because~~
6 ~~for these very serious offenses the protection of society is the primary objective.~~

7 Section 2. The introductory paragraph of Children's Code Articles 116 and 116(24.2),
8 801, 897.1, and 901(B), the introductory paragraph of (D), (E), and (F) are hereby amended
9 and reenacted and Children's Code Article 897.1(D) and (E) are hereby enacted to read as
10 follows:

11 Art. 116. Definitions

12 Except where the context clearly indicates otherwise, these definitions apply
13 for the following terms used throughout this Code:;

14 * * *

15 (24.2) "Secure placement" means a placement characterized by a range of
16 moderate to high security level facilities that include construction, fixtures, and staff
17 supervision designed to restrict the movements and activities of the residents, and to
18 control, on a twenty-four-hour basis, the ability of the residents to enter and leave the
19 premises, and which are intended for the treatment and rehabilitation of children who
20 have been adjudicated delinquent. Secure placements shall include but are not
21 limited to secure correctional centers for children and may include community-based
22 secure detention facilities. However, no placement of a child to a community-based
23 secure detention facility shall occur when a child has been adjudicated for the
24 commission of a crime listed in Article ~~901(E)~~ **897.1** unless notice of such placement
25 is provided to the committing judge and the district attorney.

26 * * *

27 Art. 801. Purpose

28 The purpose of this Title is to accord due process to each child who is
29 accused of having committed a delinquent act and, ~~except as provided for in Article~~

of sentence, without benefit of probation or suspension of imposition or execution of sentence.

Proposed law provides that the provisions of proposed law regarding disposition after adjudication of certain felony-grade offenses shall apply to all children in the custody of DPSC on or after August 1, 2018.

Present law provides that the general disposition guidelines for juveniles do not apply when a child has been adjudicated a delinquent for first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery.

Proposed law provides that only the following general disposition guidelines do not apply when a child has been adjudicated a delinquent for first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery:

- (1) The court impose the least restrictive disposition if it is consistent with the circumstances of the case, the needs of the child, and the best interest of society.
- (2) The court consider and accord weight to certain grounds in determining suspension of the disposition or probation.

Proposed law makes technical changes.

Effective August 1, 2018.

(Amends R.S. 15:901(D)(1) and 906, Ch.C. Arts 116(intro para) and 116(24.2), 801, 897.1, 901(B), (D)(intro para), (E), and (F); adds Ch.C. Art. 897.1(D) and (E); repeals Ch.C. Art. 901(G))