HOUSE COMMITTEE AMENDMENTS
2018 Regular Session
Amendments proposed by House Committee on Administration of Criminal Justice to
Engrossed Senate Bill No. 102 by Senator Morrell

1 AMENDMENT NO. 1

2 On page 1, line 2, after "906" delete the remainder of the line, delete lines 3 and 4 in their
3 entirety, and insert the following:

4   "and Children's Code Articles 116(introductory paragraph) and (24.2), 801,
5   897.1, 901(A), (B), (C)(introductory paragraph), (D)(introductory
6   paragraph), (E), and (F)"

7 AMENDMENT NO. 2

8 On page 3, delete lines 1 through 6 and insert the following:

9   "B. **C.** In cases governed by Children's Code Article 897.1, it is hereby
10   declared to be the public policy of this state that commitment of a juvenile to the
11   custody of the Department of Public Safety and Corrections for confinement in
12   secure placement without benefit of parole, probation, suspension of imposition or
13   execution of sentence, or modification of sentence, is necessary and proper because
14   for these very serious offenses the protection of society is the primary objective. **The**
15   **goal of such confinement is rehabilitative, as rehabilitation furthers public**
16   **safety.**"

17 AMENDMENT NO. 3

18 On page 3, delete lines 7 through 9 in their entirety and insert the following:
19
20   "Section 2. Children's Code Articles 116(introductory paragraph) and
21   (24.2), 801, 897.1, 901(A), (B), (C)(introductory paragraph),
22   (D)(introductory paragraph), (E), and (F) are hereby amended and reenacted
23   to read as"
24
25 AMENDMENT NO. 4

26 On page 4, after line 29, add the following:

27   "**D. Juveniles in secure care for an adjudication for a violation of**
28   **R.S. 14:42 or R.S. 14:44 shall be eligible for modification after serving**
29   **thirty-six months of the disposition. Juveniles in secure care for an**
30   **adjudication for a violation of R.S. 14:64 shall be eligible for**
31   **modification after serving thirty-six months of the disposition or, if the**
32   **disposition is less than thirty-six months, two-thirds of the disposition.**
33   **E. A motion for modification of a disposition shall be filed**
34   **pursuant to Article 910 et seq and a contradictory hearing shall be set no**
35   **sooner than thirty days from the date of notice to the district attorney.**
36   **To grant a motion for modification of disposition, the court must find**
37   **that the child poses a reduced risk to the community based on the**
38   **following considerations:**
39   **(1) The most recent risk assessment conducted by the office of**
40   **juvenile justice.**
41   **(2) The recommendation of the office of juvenile justice.**
42   **(3) A reentry plan that includes an appropriate placement to**
43   **conduct supervision and achieve aftercare goals.**

1   **(4) Any additional evidence provided by the child, the state, or the office of**
2   **juvenile justice.**"

3   AMENDMENT NO. 5

4   On page 5, at the beginning of line 1, change "**D.**" to "**F.**"

5   AMENDMENT NO. 6

6   On page 5, at the beginning of line 7, change "**E.**" to "**G.**"

7   AMENDMENT NO. 7

8   On page 5, delete line 12 and insert the following:

9   "A. ~~In~~ **Except as provided in Article 897.1, in** considering
10   dispositional options, the court shall not remove a child from the custody of
11   his parents unless his welfare or the safety and protection of the public
12   cannot, in the opinion of the court, be adequately safeguarded without such
13   removal."

14   AMENDMENT NO. 8

15   On page 5, between lines 16 and 17 insert the following:

16   "C. ~~Commitment~~ **Except as provided in Article 897.1, commitment**
17   of the child to the custody of the Department of Public Safety and
18   Corrections may be appropriate if any of the following exists:"

19   AMENDMENT NO. 9

20   On page 6, between lines 3 and 4, insert the following:

21   "*   *   *
22   Art. 910. Modification procedure; generally applicable
23   *   *   *
24   C. ~~When~~ **Except as provided in Article 897.1, when** the motion to
25   modify seeks the imposition of less restrictive conditions, the court may
26   modify a judgment without a contradictory hearing.
27   *   *   *"