

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 241

2019 Regular Session

Mike Johnson

JUVENILES: Provides relative to certain crimes and delinquency provisions when the offender is under the age of eighteen

Synopsis of Senate Amendments

1. Makes technical changes.
2. Changes certain present law references from juveniles eighteen years of age and over to individuals eighteen years of age and over.
3. Changes additional present law provisions regarding juvenile proceedings in East Baton Rouge Parish and multiparish juvenile detention home districts to conform with the changes made by Act No. 254 of 2018 R.S. and proposed law.

Digest of Bill as Finally Passed by Senate

Prior to March 1, 2019, delinquency provisions applied only to persons under the age of 17. Present law (Act No. 654 of the 2018 R.S.) provides that beginning March 1, 2019, criminal acts that are not crimes of violence committed by 17-year-olds shall be governed by the provisions in the Children's Code regarding delinquency.

Present law provides for the following regarding persons subject to delinquency provisions in the Children's Code:

- (1) Provides for the establishment of parish schools for male youths who are adjudicated delinquent.
- (2) Provides preadjudicatory and postadjudicatory opportunities for juveniles adjudicated delinquent.

The present law crimes of cyberbullying, online impersonation, and retaliation by a minor against a parent, legal custodian, witness, or complainant provide that the offense can only be committed by persons under the age of 17.

The present law crime of illegal possession of a handgun by a juvenile provides that the offense can only be committed by persons 17 years of age or older.

Present law provides that juvenile detention home districts may own, operate, or maintain facilities for the housing, care, supervision, maintenance, and education of juveniles under the age of 17 and for juveniles 17 years of age and over who were under 17 years of age when they committed an alleged offense.

Present law provides that the two juvenile court judges for the parish of East Baton Rouge have exclusive jurisdiction over certain proceedings in the interest of children 17 years of age alleged to be delinquent, and all proceedings in the interest of children under 18 years of age alleged to be in need of supervision or in need of care.

Proposed law amends these present law provisions to conform with the changes made by Act No. 654 of 2018 R.S. by changing references of persons over or under the age of 17 to persons over or under the age of 18.

(Amends R.S. 13:1621(A)(1), R.S. 14:40.7(D)(2), 73.10(C)(2), 92.3(A), and 95.8(A) and (C)(intro. para.), R.S. 15:1031, 1096.2(A), 1098.3, and 1099.3, and R.S. 46:1933(B))