

RÉSUMÉ DIGEST

SB 159

2023 Regular Session

Cathey

Present law defines "child", for the purposes of delinquency proceedings, as any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains 18 years of age. Provides, however, a child who has attained the age of 17 shall be subject to criminal court jurisdiction as provided in present law.

Proposed law would have terminated application of present law on July 31, 2023, and would have provided that beginning August 1, 2023, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after August 1, 2023, when the act is not a crime of violence, and the act occurs before the person attains 18 years of age.

Proposed law would have defined "child" to include any person alleged to have committed any delinquent act prior to his 17th birthday.

Would have become effective August 1, 2023.

(Proposed to amend Ch.C. Art. 804(1))

VETO MESSAGE

"Please be advised that I have vetoed Senate Bill 159 of the 2023 Regular Session.

Senate Bill 159 is a blatant reversal of the Raise the Age legislation passed with bipartisan support in 2016. Raise the Age was implemented in stages to allow the juvenile justice system to make adjustments in preparation for changes pursuant to the law. Senate Bill 159 is also unnecessary as Louisiana Children's Code Article 306 states that the courts may, based on a balancing test, detain juveniles fully segregated by both sight and sound, away adult offenders.

This rollback is contrary to detention standards in The Federal Juvenile Justice & Delinquency Prevention Act which prohibits juvenile offenders from being housed with adults even if they are being prosecuted as adults. Senate Bill 159 also runs afoul of the Prison Rape Elimination Act. Violations of federal law will result in Louisiana losing federal funding critical to operating and maintaining our juvenile justice and adult correctional systems. Housing seventeen year olds with adults is dangerous and reckless. Juveniles detained in adult jails are often preyed upon by adult inmates. They often come out as seasoned criminals after being victimized.

For these reasons, I have vetoed the bill."