

2016 Regular Session

SENATE BILL NO. 301

BY SENATOR MORRELL

JUVENILE JUSTICE. Creates the Juvenile Justice Accountability and Cost Effectiveness Act of 2016 as a system to monitor and implement systems for better accountability and cost-effectiveness in the juvenile justice system. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 15:1087 and Children's Code Arts. 815, 898, 900(A), and

3 1509.1(A) and (C) and to enact R.S. 15:1084(E) and Part V-A of Chapter 7 of Title

4 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:931

5 through 945, relative juvenile justice; to provide for compilation and reporting of

6 data as to accountability and cost effectiveness of the juvenile justice system; to

7 provide for program evaluation and funding of the juvenile justice system; to provide

8 for certain periods of detention in juvenile facilities under certain circumstances; and

9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part V-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of

12 1950, comprised of R.S. 15:931 through 945, is hereby enacted to read as follows:

13 **PART V-A. JUVENILE JUSTICE ACCOUNTABILITY**

14 **AND COST EFFECTIVENESS**

15 **SUBPART I. DATA AND ACCOUNTABILITY**

16 **§931. Purpose and policy**

17 **It is hereby declared to be the policy of the state of Louisiana that all**

1 government agencies and officers, all government subdivisions, and all  
2 organizations and individuals working with children in the juvenile justice  
3 system shall conduct a continuing inquiry into the efficacy, cost-effectiveness,  
4 and impact on public safety of the treatment and supervision methods that the  
5 juvenile justice system employs. The purpose of this policy is to promote  
6 accountability, efficiency, and cost-effectiveness, and to facilitate continuous  
7 improvement by requiring regular reporting of clear and reliable data on  
8 Louisiana's juvenile justice system.

9 §932. Definitions

10 The phrase "office of juvenile justice," or "the office" means the  
11 Department of Public Safety and Corrections, Youth Services, office of juvenile  
12 justice.

13 §933. Office of juvenile justice; statistical data collection; reporting

14 A. The office of juvenile justice shall collect, maintain, and regularly  
15 report a record of statistical data concerning the services that it provides, the  
16 youth whom it serves, the outcomes experienced by those youth, and the funds  
17 that it expends.

18 B. Publication and reporting. (1) The office of juvenile justice shall  
19 tabulate, analyze, and publish electronically, on the website maintained by the  
20 office of juvenile justice, on or before January fifteenth and June fifteenth of  
21 each year, the complete set of statistical data required to be collected and  
22 reported under this Section, in a format that is searchable and intelligible to the  
23 general public.

24 (2) The first such electronic publication of all data collected and reported  
25 in this Section shall be published electronically no later than January 15, 2017.

26 (3) The statistical data published under this Section shall not include any  
27 identifying information concerning any youth served by the office of juvenile  
28 justice, but shall be limited to the nonidentifying information authorized for  
29 release under Children's Code Article 412(B).

1                    C. Maintenance of data. All data collected and maintained under this  
2                    Section shall be maintained by the office and shall remain available through the  
3                    office's website for a minimum of five years after collection.

4                    D. Data to be collected and maintained. The data collected and  
5                    maintained under this Section shall include but need not be limited to the  
6                    following data-points for each child served:

7                    (1) Name.

8                    (2) Unique identification number assigned for the purposes of analyzing  
9                    and reporting de-identified data.

10                  (3) Date of birth.

11                  (4) Gender.

12                  (5.) Race.

13                  (6) Parish of residence.

14                  (7) Parish in which the child was committed or placed on probation.

15                  (8) Offense(s) with which the child was initially petitioned, with each  
16                  offense stored as an individual variable.

17                  (9) Offense(s) of adjudication, including variety of status offense, if  
18                  applicable, with each offense stored as an individual variable.

19                  (10) Earliest date of arrest that resulted in the disposition that resulted  
20                  in the child being placed under the supervision, care or custody of the office of  
21                  juvenile justice.

22                  (11) Date of adjudication prior to the disposition that resulted in the  
23                  child being placed under the supervision, care or custody of the office of  
24                  juvenile justice.

25                  (12) Date of disposition that resulted in the child being placed under the  
26                  supervision, care or custody of the office of juvenile justice.

27                  (13) The child's total number of prior juvenile adjudications.

28                  (14) The number of prior adjudications for which the most serious  
29                  offense was a misdemeanor.

1           **(15) The number of prior adjudications for which the most serious**  
2 **offense was a felony.**

3           **(16) The most serious offense for which the child has a prior**  
4 **adjudication.**

5           **(17) Type and duration of disposition initially imposed by the court,**  
6 **separately tabulating any suspended time imposed.**

7           **(18) Revocation date, if applicable.**

8           **(19) If the child was revoked on probation or parole, whether the**  
9 **revocation was initiated by motion of the office of juvenile justice or the district**  
10 **attorney, or both.**

11           **(20) If the child was committed to the office of the juvenile justice's**  
12 **custody, any judicial recommendation for level of security.**

13           **(21) If the child was committed to the office of the juvenile justice's**  
14 **custody, the level of security chosen by the department.**

15           **(22) The total amount of time spent in secure care.**

16           **(23) The total amount of time spent in nonsecure care.**

17           **(24) Release date and length of time on parole supervision.**

18           **(25) Whether or not a recommendation is made for early release by the**  
19 **office of juvenile justice.**

20           **(26) Whether or not the office of juvenile justice's recommendation for**  
21 **early release was granted.**

22           **(27) The number of days spent in a detention center after commitment**  
23 **to the office of juvenile justice and prior to placement in a secure or nonsecure**  
24 **facility.**

25           **(28) If the child was committed to the custody of the office of juvenile**  
26 **justice:**

27           **(a) The last school grade completed by the child before commitment to**  
28 **the custody of the office of juvenile justice.**

29           **(b) The last school grade completed by the child upon release from the**

1 office of juvenile justice, or if the child was on a Hi-Set track.

2 (c) The last mental health diagnosis, if any, received by the child before  
3 commitment to the custody of the office of juvenile justice.

4 (d) The name(s) of any psychotropic or psychoactive medication(s)  
5 prescribed for the child immediately prior to the child's commitment to the  
6 custody of the office of juvenile justice.

7 (e) The name(s) of any psychotropic or psychoactive medication(s)  
8 prescribed for the child during the child's commitment to the custody of the  
9 office of juvenile justice.

10 E. Data to be reported: The reports mandated by the office of juvenile  
11 justice shall include but need not be limited to the following data:

12 (1) Disaggregated by race, gender, parish of prosecution, and most  
13 serious offense of adjudication, data including:

14 (a) The total number of children admitted to the office of juvenile  
15 justice's custody during the preceding year, further disaggregated by whether  
16 the admission was incident to an initial disposition, a revocation of probation,  
17 or a revocation of parole.

18 (b) The total number of children who spent a minimum of one day in the  
19 office of juvenile justice's secure custody during the preceding year.

20 (c) The total number of children who spent a minimum of one day in the  
21 office of juvenile justice's nonsecure custody during the preceding year.

22 (d) The duration of the commitment imposed by the court for all  
23 children admitted to the office of juvenile justice's custody during the preceding  
24 year.

25 (e) The average length of stay in secure custody of all children released  
26 from the office of juvenile justice's secure custody in the preceding year.

27 (f) The average length of stay in nonsecure custody of all children  
28 released from the office of juvenile justice's nonsecure custody in the preceding  
29 year.

1                    (g) The total number of youth placed under the probation supervision of  
2 the office of juvenile justice during the preceding year.

3                    (h) The total number of youth placed under the parole supervision of the  
4 office of juvenile justice during the preceding year.

5                    (i) The total number of youth who spent a minimum of one day under the  
6 parole supervision of the office of juvenile justice during the preceding year.

7                    (j) The total number of days spent by youth in a detention center after  
8 commitment to the office of juvenile justice, but before placement in a  
9 nonsecure or secure custody facility, during the preceding year.

10                   (k) The total number of days spent by children committed to the custody  
11 of the office of juvenile justice in each office of juvenile justice secure facility,  
12 and in each nonsecure facility in which the office of juvenile justice places youth  
13 in its custody, during the preceding year.

14                   (2) The average daily caseload of office of juvenile justice probation  
15 officers during the preceding year, disaggregated by delinquency probation  
16 cases, Family in Need of Services probation cases, and parole cases.

17                   (3) The total cost of operating each office of juvenile justice secure  
18 facility, disaggregated by facility, in the preceding year, with the following costs  
19 disaggregated: cost of facilities, cost of staffing, cost of mental health treatment,  
20 and cost of educational services.

21                   (4) The total amount actually paid by the state of Louisiana to each  
22 nonsecure facility for the custody and care of youth committed to the custody  
23 of the office of juvenile justice during the preceding year.

24                   (5) The one-, two-, and three-year recidivism rates of youth served by the  
25 office of juvenile justice, disaggregated by most serious offense of adjudication  
26 and by whether the youth was served on probation, in secure custody, or in  
27 nonsecure custody.

28                   F. The office shall cooperate and coordinate with courts, juvenile court  
29 clerks, detention centers, and public and private agencies in the collection of this

1 statistical data. In order to facilitate the collection of such the information  
2 required by this Section, the department shall be authorized to inspect and copy  
3 all records of the court and law enforcement agencies pertaining to juveniles  
4 and collect data from juvenile court clerks.

5 G. The Juvenile Justice Reform Act Implementation Commission may  
6 recommend or require additional data collection, maintenance, and reporting  
7 by the office, and shall provide assistance and guidance to the office in  
8 determining the form and manner of its reporting.

9 §934. District courts

10 A. Notwithstanding any provision of law to the contrary, each court in  
11 the state of Louisiana with jurisdiction over the prosecution of felony criminal  
12 offenses shall report to the Louisiana Supreme Court, on or before April first  
13 of each year, and beginning on April 1, 2017, the following statistical data:

14 (1) For cases in which prosecution was initiated in that court during the  
15 preceding year, the total number of people, disaggregated by age, race, gender,  
16 and most serious alleged offense:

17 (a) Over whom the court exercised jurisdiction pursuant to Louisiana  
18 Children's Code Article 305(A).

19 (b) Over whom the court exercised jurisdiction pursuant to Louisiana  
20 Children's Code Article 305(B).

21 (c) Over whom the court exercised jurisdiction pursuant to Louisiana  
22 Children's Code Article 857 et seq.

23 (2) For cases disposed of in that court during the preceding year and in  
24 which jurisdiction was exercised pursuant to Article 305(A), 305(B), or 857, the  
25 disposition of each case, including the manner of disposition, and the duration  
26 and nature of any sentence imposed.

27 B. The Supreme Court of Louisiana may develop a uniform reporting  
28 form that district courts may use in fulfilling the requirements of this Section.

29 §935. District attorneys

1           A. Each district attorney in the state of Louisiana shall report to the  
2           Louisiana Supreme Court, on or before April first of each year, and beginning  
3           on April 1, 2017, the following statistical data concerning the preceding year.

4           B. Diversion. (1) The total number of children to whom the district  
5           attorney extended an offer of pre-charging diversion in lieu of a prosecution  
6           under Title VIII of the Louisiana Children's Code, disaggregated by race,  
7           gender, age, and most serious charge of arrest.

8           (2) The total number of children who participated in any diversionary  
9           program operated by the district attorney, disaggregated by race, gender, age,  
10          and most serious charge of arrest.

11          (3) Of all children who completed or were terminated from all  
12          diversionary programs operated by the district attorney during the preceding  
13          year:

14          (a) The total number of children who completed the program(s)  
15          successfully, disaggregated by race, gender, age, and most serious charge of  
16          arrest.

17          (b) The average length of program participation for all youth who  
18          successfully completed the program, disaggregated by race, gender, age, and  
19          most serious charge of arrest.

20          (c) The total number of children who completed the program(s)  
21          unsuccessfully or were removed or terminated from the program(s),  
22          disaggregated by race, gender, age, and most serious charge of arrest.

23          (4) The Supreme Court of Louisiana may develop a uniform reporting  
24          form that district attorneys may use in fulfilling the requirements of this  
25          Paragraph.

26          C. Transfer. (1) For cases in which the district attorney initiated  
27          prosecution during the preceding year, the total number of people,  
28          disaggregated by age, race, gender, and most serious alleged offense:

29          (a) Whom the district attorney brought under the jurisdiction of the



1 criminal court through operation of Louisiana Children's Code Article 305(A).

2 (b) Whom the district attorney brought under the jurisdiction of the  
3 criminal court through operation of Louisiana Children's Code Article 305(B).

4 (c) Whom the district attorney brought under the jurisdiction of the  
5 criminal court through operation of Louisiana Children's Code Article 857 et  
6 seq.

7 (2) For cases disposed of during the preceding year and in which  
8 criminal jurisdiction was exercised pursuant to Article 305(A), 305(B), or 857,  
9 the disposition of each case, including the manner of disposition, and the  
10 duration and nature of any sentence imposed.

11 (3) The Supreme Court of Louisiana may develop a uniform reporting  
12 form that district attorneys may use in fulfilling the requirements of this  
13 Paragraph.

14 §936. Detention Centers

15 A. All facilities that detain juveniles pursuant to Title VII or Title VIII  
16 of the Louisiana Children's Code shall collect and maintain data on each child  
17 detained. This data shall be retained permanently by the facility and shall be  
18 made available for inspection during normal business hours by any court  
19 exercising juvenile court jurisdiction, by the Department of Children and  
20 Family Services, and by persons collecting aggregate statistical information.

21 B. The data collected and maintained shall include but is not limited to  
22 the following information for each child:

23 (1) Name.

24 (2) Unique ID number assigned for the purposes of analyzing and  
25 reporting de-identified data.

26 (3) Date of birth.

27 (4) Gender.

28 (5) Race.

29 (6) Address.

1                   **(7) Reason for detention, including if applicable the most serious alleged**  
2 **offense for which the child is being detained.**

3                   **(8) The date and time of the child's entry into and exit from the juvenile**  
4 **detention center.**

5                   **(9) Authority for confinement.**

6                   **(10) The name of the officer and the law enforcement agency employing**  
7 **the officer who brings the child to the juvenile detention center.**

8                   **(11) Whether the alleged offense occurred in school, place of business,**  
9 **the child's home, or other, and the name of the school if the offense is alleged to**  
10 **have occurred in a school.**

11                   **(12) Whether the referral source was a law enforcement agency, a school,**  
12 **a family member, or other, including the name of the school or law enforcement**  
13 **agency if the referring source was a school or law enforcement.**

14                   **(13) The child's score on a detention screening tool or risk assessment,**  
15 **if applicable.**

16                   **(14) The basis for detention if such child's detention screening tool or**  
17 **risk assessment score does not in and of itself mandate detention.**

18                   **(15) The reason for detention, which may include but shall not be limited**  
19 **to pre-adjudication detention, detention while awaiting a post-disposition**  
20 **placement, or serving a short-term program disposition.**

21                   **(16) Date of and authority for release or transfer.**

22                   **(17) Transfer or to whom released.**

23                   **SUBPART II. JUVENILE JUSTICE REINVESTMENT PROGRAM**

24                   **§941. Purpose and policy**

25                   **It is hereby declared to be the policy and intent of the state of Louisiana**  
26 **to promote public safety and expend taxpayer funds responsibly through the use**  
27 **of evidence-based treatment programs and practices at the local level and to**  
28 **reinvest a portion of juvenile justice savings achieved into community-based**  
29 **programs and services.**

1           **§942. Definitions**

2           **A. "Commission" means the Louisiana Commission on Law**  
3           **Enforcement.**

4           **B. "Out of home placement" means placement of a child in a juvenile**  
5           **detention center, or commitment of the child to the legal custody of the office**  
6           **of juvenile justice, pursuant to Titles VII and VIII of the Louisiana Children's**  
7           **Code. A child is deemed in the legal custody of the office of juvenile justice from**  
8           **the day of judicial commitment, whether or not the child is in the physical**  
9           **custody of the office of juvenile justice.**

10          **C. "Program" means the Juvenile Justice Reinvestment Program, a**  
11          **fiscal incentive program to fund local efforts that enhance public safety while**  
12          **reducing juvenile justice system costs.**

13          **§943. Program**

14          **A. There is hereby established, within the Louisiana Commission on Law**  
15          **Enforcement, the Juvenile Justice Reinvestment Program as a fiscal incentive**  
16          **program to fund local efforts that enhance public safety while reducing juvenile**  
17          **justice system costs.**

18          **B. Funds appropriated for the program shall be utilized for renewable**  
19          **grants to be awarded to judicial districts, or groups of judicial districts, for the**  
20          **purpose of establishing community-based sanction and treatment programs,**  
21          **including reentry programs, that provide alternatives to out-of-home**  
22          **placement.**

23          **§944. Program funding**

24          **A. Before January 1, 2017, the Louisiana Commission on Law**  
25          **Enforcement shall determine the following items:**

26                 **(1) A baseline for calculating reductions in out-of-home placements using**  
27                 **calendar year 2015 data that includes all out of home placements originating**  
28                 **from each judicial district in the state of Louisiana.**

29                 **(2) The average cost per day to the state of Louisiana of an out-of-home**

1 placement in secure custody, and the average cost per day to the state of  
2 Louisiana of an out-of-home placement in nonsecure custody.

3 B. Reporting and calculations. (1) Beginning on February 1, 2017 and  
4 continuing on February first of each subsequent year, the Louisiana  
5 Commission on Law Enforcement shall make a report on savings realized as a  
6 result of avoiding out-of-home placements.

7 (2) The report shall be calculated based on the determinations required  
8 in Paragraph (A) of this Section, and based on the total number of days spent  
9 in out-of-home placements by youth in the preceding calendar year,  
10 disaggregated by judicial district of origin of each youth. The office of juvenile  
11 justice shall provide such data to the Louisiana Commission on Law  
12 Enforcement as are appropriate and necessary for the making of the report.

13 (3) The report shall be made, at a minimum, to the commissioner of  
14 administration, the chair of the Senate Committee on Finance, the chair of the  
15 House Committee on Appropriations, and the chair of the Juvenile Justice  
16 Reform Act Implementation Commission.

17 C. It is the intention of the legislature that, beginning in the fiscal year  
18 that starts July 1, 2017, and continuing indefinitely on an annual basis, at least  
19 seventy-five percent of all savings realized by the state of Louisiana from  
20 reductions in out-of-home placements below the calendar year 2015 baseline  
21 shall be designated by the governor and appropriated by the legislature for use  
22 in funding the Juvenile Justice Reinvestment Program.

23 §945. Program design

24 A. The commission shall establish the program application and award  
25 process, including but not limited to the following items:

26 (1) The requirements for initial and renewal grant applications,  
27 including the following:

28 (a) The requirement that the children and youth planning board within  
29 each judicial district will be responsible for grant application and

1 implementation for that judicial district. In the event that a group of judicial  
2 districts apply jointly, each children and youth planning board within the group  
3 of judicial districts shall indicate in writing its consent to the application, and  
4 all applicant districts together shall designate a committee of persons who shall  
5 be responsible for the grant application and implementation.

6 (b) A description of the proposed program region and the juvenile justice  
7 need the program is intended to meet.

8 (c) A description of how the proposed program collaborates with schools,  
9 courts, private entities serving children and families, the office of juvenile  
10 justice, and local governmental departments or divisions of juvenile services  
11 and

12 (d) A description of performance measures to be utilized to measure the  
13 outcome and overall impact of the program.

14 (2) The procedure for review of the grant applications and the award of  
15 the grants including the following:

16 (a) A committee that includes subject matter experts to review the  
17 applications.

18 (b) Criteria to be utilized in awarding of the grants, including but not  
19 limited to the following:

20 (i) The use of evidence-based practices in program design.

21 (ii) How the program reduces the use of out-of-home placements.

22 (iii) How the program reduces recidivism.

23 (iv) How the program establishes or utilizes educational, vocational,  
24 substance abuse, behavioral health, mental health, or family intervention  
25 services, and local alternatives to detention.

26 (v) Whether grant funds will be used to leverage existing funding  
27 resources or increase access to existing resources.

28 (vi) Geographical distribution.

29 (vii) The number of youth potentially served by the program or service.

1                    (viii) The cost of the program or service and

2                    (ix) The existence of similar services in the judicial district.

3                    (3) Criteria for renewal of a grant awarded by the program, provided  
4 that:

5                    (a) Such criteria shall include a twenty percent reduction in the relevant  
6 applicant's detention admissions, commitments to the office of juvenile justice,  
7 or a combination thereof, as compared to the applicant's baseline.

8                    (b) If an applicant meets the reductions required in this Subsection, the  
9 applicant may be considered for grant renewal. Grants are not guaranteed to  
10 be renewed, and an application shall be submitted for consideration of renewal.

11                    (c) If the applicant has substantially complied with the requirements of  
12 the program, but has not attained the reductions required in this Subsection,  
13 the applicant may apply for a grant renewal if there is a fifteen percent  
14 reduction in detention admissions, commitments to the office of juvenile justice,  
15 or a combination thereof during year one as compared to the applicant's  
16 baseline.

17                    (d) Detentions and office of juvenile justice commitments for violent  
18 offenses as specified in R.S. 14:2 shall not be counted in the calculation of  
19 reductions for a judicial district.

20                    B. A judicial district or group of districts may apply for the program  
21 until its population of detention admissions and office of juvenile justice  
22 commitments is reduced by sixty percent as compared to the applicant's  
23 baseline, provided that, if the judicial district meets the reductions described in  
24 Subparagraph (3)(a) of Subsection A of this Section, the district may continue  
25 to apply for funding so long as the reductions required are maintained.

26                    \*       \*       \*

27                    Section 2. R.S. 15:1087 is hereby amended and reenacted and R.S. 15:1084(E) is  
28 hereby enacted to read as follows:

29                    §1084. Establishment of rates for payment for care in nonspace operated agencies

1 and facilities

2 \* \* \*

3 **E. Notwithstanding any law to the contrary, beginning January 1, 2017,**  
4 **any citizen of majority age shall have a cause of action to enjoin the activities**  
5 **of the Department of Public Safety and Corrections, office of juvenile justice,**  
6 **for failure to comply with this provision.**

7 \* \* \*

8 §1087. Non-state providers; contracts; **performance-based contracting and grant**  
9 **making**

10 **A. For the purposes of this Section, "contract" means any**  
11 **legally-binding agreement that requires the provision of services to youth or**  
12 **their families in exchange for the direct or indirect payment, exchange, or**  
13 **granting of funds.**

14 **B. In fulfilling the purpose of Subsection A of this Section:**

15 **(1)** Notwithstanding any other law to the contrary, contracts with non-state  
16 providers for services to juvenile offenders assigned to the ~~Department of Public~~  
17 ~~Safety and Corrections~~ **office of juvenile justice**, and/or to their families, shall not  
18 exceed a term of five years without renewal and renegotiation. Nothing in this  
19 Section shall prohibit the department from terminating or amending such contracts  
20 prior to their expiration as otherwise provided by law.

21 **(2) Any contract entered into by the office of juvenile justice for the**  
22 **purpose of providing services to youth and/or to their families shall be a**  
23 **performance-based contract that includes financial incentives or consequences**  
24 **based on the results achieved by the contractor as measured by output, quality,**  
25 **or outcome measures.**

26 **C. The office of juvenile justice shall annually publish a report, on or**  
27 **before May fifteenth of each year and beginning on May 15, 2017, describing**  
28 **each such contract that it has entered into for the purposes of providing services**  
29 **to youth and/or to their families, and fully listing and analyzing inputs, outputs,**

1 outcomes, and results achieved under that contract during the preceding fiscal  
2 year.

3 Section 3. Louisiana Children's Code Articles 815, 898, 900(A), and 1509.1(A) and  
4 (C) are hereby amended and reenacted to read as follows:

5 Art. 815. Child taken into custody; place of detention

6 A. The peace officer or an appropriate representative of the arresting agency  
7 shall have the authority and responsibility to transport the child to the appropriate  
8 place of detention specified in Paragraphs B and C of this Article, unless the child  
9 has been released to the care of his parents pursuant to Article 814(B)(1).

10 B. ~~If~~ Except as provided in Paragraph F of this Article, if the child has  
11 been taken into custody for the commission of a felony-grade delinquent act or of a  
12 misdemeanor-grade delinquent act based upon an offense against the person of  
13 another, the child shall be taken to a juvenile detention center.

14 C. ~~For~~ Except as provided in Paragraph F of this Article, for the  
15 commission of any other misdemeanor-grade delinquent act, the child shall be taken  
16 to either a shelter care facility or a juvenile detention center.

17 D. Notwithstanding any other provision of this Code or other provision of  
18 law to the contrary, no judge shall order that a youth who is thirteen years of age  
19 or older and who is taken into custody for a felony-grade delinquent act or for a  
20 misdemeanor-grade delinquent act based upon an offense against the person of  
21 another be placed in a shelter care facility.

22 E. The governing authority of the parish or municipality requesting  
23 placement of a juvenile in either a regional detention center or a shelter care facility  
24 shall be responsible to the regional detention center or shelter care facility for the  
25 cost of confinement in accordance with a schedule which may be adopted by the  
26 regional detention center or shelter care facility.

27 F. No child younger than the age of thirteen shall be detained in a  
28 juvenile detention center after being taken into custody for the alleged  
29 commission of a misdemeanor-grade delinquent act.



\* \* \*

Art. 898. Duration of a disposition based on a felony-grade adjudication

A. No **Notwithstanding any other provision of law to the contrary, no** judgment of disposition shall remain in force for a period exceeding the maximum term of imprisonment for the felony forming the basis for the adjudication. The court shall give a child credit for time spent in secure detention prior to the imposition of disposition.

~~B. When modification and parole is not prohibited by Article 897.1, if an order of commitment to custody of the Department of Public Safety and Corrections is subsequently modified and the child is placed on parole, the maximum term of parole shall be the remainder of the sentence originally imposed.~~

~~C. These maximums do not apply if:~~

~~(1) The child was under thirteen at the time of a commitment to custody of the Department of Public Safety and Corrections, in which case the judgment shall terminate upon the child's reaching age eighteen.~~

~~(2) A portion of an order of commitment was suspended, when permitted by law, in which case the term of parole shall end when the time period so suspended has elapsed.~~

~~(3) The child is tried as an adult and is convicted of, or pleads guilty to a felony after having been committed to the Department of Public Safety and Corrections. In this instance, after sentencing, the department shall have the authority to keep the offender in custody according to terms of the juvenile disposition, or to transfer him to serve his adult sentence. The department shall retain such authority until the expiration of the juvenile commitment when, if not effected earlier, the individual will be transferred to begin serving the adult sentence.~~

~~(4) The judgment expires by its own terms, is modified when permitted by law, or is vacated.~~

~~(5) The child reaches age twenty-one.~~

~~(6) The child is ordered to participate in a juvenile drug court program~~

1           ~~operated by a court of this state, as a condition of probation, so long as the child is~~  
2           ~~a full-time participant in such juvenile drug court program.~~

3           **B. If a child is adjudicated delinquent for a felony-grade offense that is**  
4           **not a crime of violence as defined in Louisiana Revised Statutes 14:2 and is**  
5           **committed to the custody of the Department of Public Safety and Corrections,**  
6           **as provided in Article 897(D):**

7           **(1) The total duration of the commitment imposed and served, including**  
8           **any period of suspended commitment pursuant to Article 897(E), shall not**  
9           **exceed nine months, including credit for time spent in secure detention prior to**  
10           **the imposition of the disposition unless all of the following conditions are met:**

11           **(a) The child is brought in person before the court for a full and**  
12           **contradictory modification hearing, as provided in Article 909 et seq., before the**  
13           **elapsing of the maximum duration of the initial nine-month commitment.**

14           **(b) At the modification hearing, the court finds by clear and convincing**  
15           **evidence that continued out-of-home placement is necessary for the completion**  
16           **of the child's treatment.**

17           **(2) If the court does continue the child's commitment beyond nine**  
18           **months, it shall hold a full and contradictory modification hearing, according**  
19           **to the provisions of Article 909 et seq., at least every six months thereafter, and**  
20           **at each such hearing shall release the child from custody absent a finding by**  
21           **clear and convincing evidence that continued out-of-home placement is**  
22           **necessary for the completion of the child's treatment. The total duration of**  
23           **disposition shall never exceed the maximums provided in Paragraphs A and D**  
24           **of this Article.**

25           **(3) The maximum commitment durations and hearings imposed of this**  
26           **Paragraph can be waived by the child at the time of disposition, if the waiver is**  
27           **knowing, intelligent, and voluntary and is made after the child is afforded an**  
28           **adequate and meaningful opportunity to consult with counsel.**

29           **C. If a child is adjudicated delinquent for a felony-grade offense that is**

1 not a crime of violence as defined in Louisiana Revised Statutes 14:2 and is  
2 placed on probation:

3 (1) The duration of the probation shall not exceed eighteen months unless  
4 all of the following conditions are met:

5 (a) The child is brought in person before the court for a full and  
6 contradictory modification hearing, as provided in Article 909 et seq., before the  
7 elapsing of the maximum duration of the initial eighteen month probationary  
8 period.

9 (b) At the modification hearing, the court finds by clear and convincing  
10 evidence that continued probation is necessary for the completion of the child's  
11 treatment.

12 (2) If the court does continue the child's probation beyond eighteen  
13 months, it shall hold a full and contradictory modification hearing, according  
14 to the provisions of Article 909 et seq., at least every six months thereafter, and  
15 at each such hearing shall release the child from probation and terminate the  
16 child's disposition absent a finding by clear and convincing evidence that  
17 extending the duration of the disposition is necessary for the completion of the  
18 child's treatment. The total duration of disposition shall never exceed the  
19 maximums provided in Paragraphs A and D of this Article.

20 (3) The maximum probation durations and hearings imposed of this  
21 Paragraph can be waived by the child at the time of disposition, if the waiver is  
22 knowing, intelligent, and voluntary and is made after the child is afforded an  
23 adequate and meaningful opportunity to consult with counsel.

24 \* \* \*

25 Art. 900. Duration of a disposition based on a misdemeanor-grade adjudication

26 A. No judgment of disposition shall remain in force for a period exceeding  
27 the maximum term of imprisonment for the offense which forms the basis for the  
28 adjudication, except that if the child is placed on probation, the term of probation  
29 may extend for a maximum of ~~two years~~ one year, or for such longer period of time

1 as the child is a full-time participant in a juvenile drug court program operated by a  
2 court of this state, if such participation has been ordered by the court as a condition  
3 of the child's probation. The court shall give a child credit for time spent in secure  
4 detention prior to the imposition of disposition.

5 \* \* \*

6 Art. 1509.1. Penalties for contempt; children

7 A. In delinquency proceedings, when a child is adjudged guilty of direct  
8 contempt of court or constructive contempt of court for repeated disobedience of the  
9 court's judgment of disposition, the court may

10 **(1) for a first offense in any twelve-month period,** commit the child to a  
11 juvenile detention center or other suitable facility for not more than ~~fifteen~~ **three**  
12 days, including the time spent in detention for the contempt prior to the contempt  
13 hearing.

14 **(2) for a second offense in any twelve-month period, commit the child to**  
15 **a juvenile detention center or other suitable facility for not more than seven**  
16 **days, including the time spent in detention for the contempt prior to the**  
17 **contempt hearing.**

18 **(3) for a third or subsequent offense in any twelve-month period, commit**  
19 **the child to a juvenile detention center or other suitable facility for not more**  
20 **than fifteen days, including the time spent in detention for the contempt prior**  
21 **to the contempt hearing.**

22 \* \* \*

23 C. In families in need of services proceedings, when the child is adjudged  
24 guilty of direct contempt of court or constructive contempt of court for repeated  
25 disobedience of the court's judgment of disposition, the court may:

26 (1) Commit the child to a shelter care facility for not more than fifteen days,  
27 including time spent there for the contempt prior to the contempt hearing.

28 (2) Commit the child to a secure detention facility for not more than ~~fifteen~~  
29 **days a total of seventy-two hours in any six-month period,** including time spent

1           there for the contempt prior to the contempt hearing, if the court finds that all of the  
2           following have occurred:

3                   (a) A judgment of disposition was entered pursuant to Article 782.

4                   (b) The child willfully violated the judgment of disposition.

5                   (c) All sanctions other than secure confinement have been exhausted or are  
6           clearly inappropriate.

7           Section 4. This Act shall be known as the "Juvenile Justice Accountability and Cost-  
8           Effectiveness Act of 2016".

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Thomas L. Tyler.

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DIGEST

SB 301 Original

2016 Regular Session

Morrell

Proposed law provides for systems to compile statistical data to assist in the determination of levels of accountability, cost effectiveness, and reinvestment in the juvenile justice system.

Proposed law requires the office of juvenile justice to collect, maintain, and regularly report a record of statistical data concerning the services it provides, the youth it serves and the outcomes experienced and the funds expended. Provides for publication of the report and the type of data to be collected.

Requires the office of juvenile justice to cooperate and coordinate with courts, juvenile court clerks, detention centers and public and private agencies in collecting its data.

Proposed law requires each court with jurisdiction over prosecuting felony criminal offenses to provide certain statistical data to the Supreme Court each on or before April 1st each year. Requires a similar report by the district attorneys as well as information on participation in any diversionary program operated by the district attorney and juvenile cases transferred the district court.

Proposed law requires statistical data from all facilities that detain juveniles and that this information be available for inspection by any court exercising juvenile jurisdiction and the Department of Children and Family Services.

Proposed law provides for a Juvenile Justice Reinvestment Program as a fiscal incentive program to fund local efforts to enhance safety while reducing juvenile justice system costs. Provides requirements for program grant applications and review of these applications.

Proposed law prohibits any child younger than age 13 from being detained in a juvenile detention facility when taken into custody for the alleged commission of a misdemeanor-grade delinquent act.

Proposed law contains provisions for a child adjudicated a delinquent for a felony-grade offense that is not a crime of violence. Provides for commitment in a facility for the initial nine months and for commitments beyond nine months and for commitments for an initial 18 months and for those beyond 18 months.

Present law, in delinquency proceedings, authorizes a court, when a child is adjudged guilty of direct contempt of court or constructive contempt of court for repeated disobedience of the court's judgment of disposition, to commit the child to a juvenile detention center for not more than 15 days including time spent in detention for the contempt prior to the contempt hearing.

Proposed law retains these provisions but reduces the time to not more than three days for a first offense in any 12-month period. Proposed law provides that for a second offense in any twelve-month period, the court may commit the child to a juvenile detention center for not more than seven days, including the time spent in detention for the contempt prior to the contempt hearing; for a third or subsequent offense in any twelve-month period, the court can commit the child to a juvenile detention center for not more than 15 days, including the time spent in detention for the contempt prior to the contempt hearing.

(Amends R.S. 15:1087, Ch.C. Arts. 815, 898, 900(A), and 1509.1(A) and (C); adds R.S. 15:931 through 945 and 1084(E))