
SENATE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 301
by Senator Morrell

1 AMENDMENT NO. 1

2 On page 1, line 3, delete "R.S. 15:1084(E) and"

3 AMENDMENT NO. 2

4 On page 1, delete lines 5 through 7 and insert the following:

5 "through 945, relative to juvenile justice; to provide for data compilation and
6 reporting; to provide for accountability and cost effectiveness; to provide for
7 program evaluation and funding; to provide"

8 AMENDMENT NO. 3

9 On page 1, line 11, after "Section 1." insert "R.S. 15:1087 is hereby amended and reenacted
10 and"

11 AMENDMENT NO. 4

12 On page 2, delete lines 10 through 12 and insert the following:

13 **"As used in this Subpart, the following words shall have the following**
14 **meaning:**

15 **(1) "Office of juvenile justice" or "the office" shall mean the Department**
16 **of Public Safety and Corrections, youth services, office of juvenile justice.**

17 **(2) "Episode" shall mean a singular instance in which a youth is placed**
18 **under the supervision, care, or custody of the office of juvenile justice."**

19 AMENDMENT NO. 5

20 On page 2, delete lines 15 through 17 and insert the following:

21 **"report a record of statistical data concerning the services it provides, the youth**
22 **it serves, the outcomes experienced by the youth, and the funds it expends."**

23 AMENDMENT NO. 6

24 On page 2, line 22, after "**Section**" delete the comma "," and delete the remainder of the line
25 and delete line 23 and insert a period " ."

26 AMENDMENT NO. 7

27 On page 2, line 25, change "2017" to "2018"

28 AMENDMENT NO. 8

29 On page 3, line 5, after "but" delete "need"

1 AMENDMENT NO. 9

2 On page 3, line 12, after "**Race**" insert "**and ethnicity**"

3 AMENDMENT NO. 10

4 On page 3, line 15, change "**Offense(s)**" to "**Offenses**"

5 AMENDMENT NO. 11

6 On page 3, line 17, change "**Offense(s)**" to "**Offenses**"

7 AMENDMENT NO. 12

8 On page 3, delete lines 19 through 29, and insert the following:

9 "(10) Date of adjudication prior to the disposition resulting in the child
10 being placed under the supervision, care, or custody of the office of juvenile
11 justice.

12 (11) Date of disposition resulting in the child being placed under the
13 supervision, care, or custody of the office of juvenile justice.

14 (12) The child's total number of prior episodes, disaggregated by if the
15 offense leading to each episode was a misdemeanor, felony, or both.

16 (13) The most serious known offense of the child.

17 (14) Length of disposition imposed that resulted in the child being placed
18 under the supervision, care, or custody of the office of juvenile justice.

19 (15) Length of suspended commitment imposed that resulted in the child
20 being placed under the supervision, care, or custody of the office of juvenile
21 justice.

22 (16) If the child was revoked on probation or parole, whether the
23 revocation was initiated by motion of the office of juvenile justice, the district
24 attorney, or both.

25 (17) The initial judicial disposition of a child committed to the custody
26 of the office of juvenile justice.

27 (18) The initial office of juvenile justice disposition for a child committed
28 to the custody of the office of juvenile justice.

29 (19) The total amount of time spent in secure care.

30 (20) The total amount of time spent in nonsecure care.

31 (21) The release date.

32 (22) The length of time on parole supervision.

33 (23) If any recommendation is made for the early release by the office of
34 juvenile justice.

35 (24) Whether or not the office of juvenile justice's recommendation for
36 early release was granted.

1 **(25) The number of days spent in a detention center after commitment**
2 **to the office of juvenile justice and prior to placement in a secure or nonsecure**
3 **facility.**

4 **(26) If the child was committed to the secure custody of the office of**
5 **juvenile justice:**

6 **(a) The last school grade completed by the child before commitment.**

7 **(b) The last school grade completed by the child upon release from the**
8 **custody of the office of juvenile justice.**

9 **(c) If the child was on HISET or Carnegie Track while in the custody of**
10 **the office of juvenile justice."**

11 AMENDMENT NO. 13

12 Delete page 4 in its entirety

13 AMENDMENT NO. 14

14 On page 5, delete lines 1 through 9.

15 AMENDMENT NO. 15

16 On page 5, line 10, after "**reported**" change the colon ":" to a period "."

17 AMENDMENT NO. 16

18 On page 5, line 11, after "**but**" delete "**need**"

19 AMENDMENT NO. 17

20 On page 5, line 12, after "**race,**" insert "**ethnicity,**"

21 AMENDMENT NO. 18

22 On page 5, delete lines 14 and 15 and insert the following:

23 **"(a) The total number of children admitted to the custody of the office**
24 **of juvenile justice during the preceding year, further disaggregated by whether"**

25 AMENDMENT NO. 19

26 On page 5, delete line 23 and insert the following:

27 **"children admitted to the custody of the office of juvenile justice during the**
28 **preceding"**

29 AMENDMENT NO. 20

30 On page 6, line 15, after "**by**" delete the remainder of the line and delete line 16 and insert
31 **"legal status."**

32 AMENDMENT NO. 21

33 On page 6, delete line 24 and insert the following:

34 **"(5) The one, two, and three year recidivism rates of youth served by the"**

1 AMENDMENT NO. 22

2 On page 6, line 26 delete "by"

3 AMENDMENT NO. 23

4 On page 7, line 3, delete "juveniles" and insert "youth served by the department."

5 AMENDMENT NO. 24

6 On page 7, delete lines 4 through 8

7 AMENDMENT NO. 25

8 On page 7, delete lines 10 through 28 and insert the following:

9 "A. Each clerk of a court exercising juvenile delinquency jurisdiction
10 shall collect and provide to the Louisiana Supreme Court data as may be
11 necessary for purposes of reporting on the juvenile justice system, including but
12 not limited to reporting case event details upon case filing and disposition and
13 the following:

14 (1) Docket number.

15 (2) Defendant's date of birth, race, ethnicity, and gender.

16 (3) Date of filing and offense charged at filing.

17 (4) Date of disposition, disposition, and offense at disposition.

18 B. Information provided pursuant to this Section shall not be construed
19 to violate the confidentiality provisions of the Louisiana Children's Code or any
20 other law regarding confidentiality of juvenile records.

21
22 C. Each clerk of a court exercising felony criminal jurisdiction shall
23 collect and provide to the Louisiana Supreme Court statistical data as may be
24 identified and defined by the Louisiana Supreme Court to be necessary for
25 reporting on the juvenile justice system, including but not limited to:

26 (1) The number of youth over whom the court initiated prosecution
27 pursuant to Louisiana Children's Code Articles 305(A), 305(B), or 857
28 disaggregated by age, race, ethnicity, gender, and most serious alleged offense.

29 (2) The disposition of cases prosecuted pursuant to Louisiana Children's
30 Code Articles 305(A), 305(B), or 857 including manner of disposition and the
31 duration and nature of any sentence imposed.

32 D. The Louisiana Supreme Court shall determine the manner and form
33 the data required by this Section is submitted.

34 E. No clerk of court shall be held civilly or criminally liable on the basis
35 of the accuracy, availability, or unavailability of any information reported or
36 required pursuant to this Section, except in the case of willful or wanton
37 misconduct or gross negligence."

38 AMENDMENT NO. 26

39 On page 7, delete line 29

1 AMENDMENT NO. 27

2 Delete page 8 in its entirety

3 AMENDMENT NO. 28

4 On page 9, delete lines 1 through 13

5 AMENDMENT NO. 29

6 On page 9, line 14, change "§936" to "§935"

7 AMENDMENT NO. 30

8 On page 9, line 21, delete "is not limited" and insert "not be limited"

9 AMENDMENT NO. 31

10 On page 9, line 28, after "Race" insert "and ethnicity"

11 AMENDMENT NO. 32

12 On page 10, line 7, change "who brings" to "responsible for transporting"

13 AMENDMENT NO. 33

14 On page 10, line 8, after "in" insert "a"

15 AMENDMENT NO. 34

16 On page 10, line 9, after "other" delete the comma "," and insert "location"

17 AMENDMENT NO. 35

18 On page 10, line 13, after "enforcement" insert "agency"

19 AMENDMENT NO. 36

20 On page 10, delete lines 16 and 17 and insert the following:

21 "(14) The reason for detention if the child's detention screening tool or
22 risk assessment score does not mandate detention."

23 AMENDMENT NO. 37

24 On page 10, line 18, delete "shall"

25 AMENDMENT NO. 38

26 On page 10, delete line 22 and insert the following:

27 "(17) Name of person to whom the child was released or the location
28 where the child was transferred."

29 AMENDMENT NO. 39

30 On page 10, line 28, delete "achieved"

31 AMENDMENT NO. 40

32 On page 11, delete lines 2 through 4 and insert the following:

1 "For the purposes of this Subpart, the following words shall have the
2 following meaning:

3 (1) "Commission" shall mean the Louisiana Commission on Law
4 Enforcement and Administration of Criminal Justice.

5 (2) "Out of home placement" shall mean placement of a child in a
6 juvenile"

7 AMENDMENT NO. 41

8 On page 11, line 10, after "Program", change "means" to "shall mean"

9 AMENDMENT NO. 42

10 On page 11, delete lines 24 through 29 and insert the following:

11 "A. Before January 1, 2017, the Louisiana Commission on Law
12 Enforcement and Administration of Criminal Justice shall determine the
13 following:

14 (1) A baseline for calculating reductions and increases in custody
15 placements using Fiscal Year 2016 data that includes all commitments to office
16 of juvenile justice custody from each judicial district in the state.

17 (2) The average cost per day per child to the state for secure custody and
18 the average cost per day per child to the state for nonsecure custody.

19 B. Reporting and calculations.

20 (1) Beginning February 1, 2017 and continuing on February first of each
21 subsequent year, the Louisiana Commission on Law Enforcement and
22 Administration of Criminal Justice shall make a report on the fiscal impact
23 realized as a result of reductions or increases in custody placements.

24 (2) The report shall be calculated based on the determinations required
25 in Subsection A of this Section and based on the total number of days spent in
26 custody by children in the same fiscal year, disaggregated by judicial district of
27 origin of each child. The office of juvenile justice shall provide data to the
28 Louisiana Commission on Law Enforcement and Administration of Criminal
29 Justice as necessary for the report.

30 (3) The report shall be sent to the commissioner of administration, the
31 chair of the Senate Committee on Finance, the chair of the House Committee
32 on Appropriations, and the chair of the Juvenile Justice Reform Act
33 Implementation Commission.

34 C. It is the intent of the legislature, that beginning in the fiscal year that
35 starts July 1, 2017, and continuing indefinitely on an annual basis, a minimum
36 of seventy-five percent of all savings realized by the state from reductions in
37 custody placements below the Fiscal Year 2016 baseline be designated by the
38 governor and appropriated by the legislature for use in funding the Juvenile
39 Justice Reinvestment Program."

40 AMENDMENT NO. 43

41 On page 12, delete lines 1 through 22

42 AMENDMENT NO. 44

43 On page 13, at the end of line 10 insert a period "."

1 AMENDMENT NO. 45

2 On page 13, delete line 11

3 AMENDMENT NO. 46

4 On page 13, line 18, delete "of"

5 AMENDMENT NO. 47

6 On page 14, line 1, after "service" delete "and" and insert a period "."

7 AMENDMENT NO. 48

8 On page 14, line 23, delete "provided that,"

9 AMENDMENT NO. 49

10 On page 14, delete lines 24 and 25 and insert the following:

11 **"Subsection A of this Section, the district may continue to apply for funding if**
12 **the required reductions are maintained."**

13 AMENDMENT NO. 50

14 On page 14, delete lines 27 through 29

15 AMENDMENT NO. 51

16 On page 15, delete lines 1 through 7

17 AMENDMENT NO. 52

18 On page 15, line 10, delete "means" and insert "shall mean"

19 AMENDMENT NO. 53

20 On page 15, line 17, delete "and/or to" and insert "or"

21 AMENDMENT NO. 54

22 On page 15, line 22, delete "and/or to" and insert "or"

23 AMENDMENT NO. 55

24 On page 15, line 23, delete "incentives" and insert "disincentives"

25 AMENDMENT NO. 56

26 On page 15, delete lines 27 through 29 and insert the following:

27 **"before October fifteenth of each of each year and beginning on October 15,**
28 **2017, describing each contract entered into for the purposes of providing**
29 **services to youth or their families, and fully listing and analyzing inputs,**
30 **outputs."**

31 AMENDMENT NO. 57

32 On page 16, line 3, delete "Section 3." and insert "Section 2."

1 AMENDMENT NO. 58

2 On page 16, line 27 delete "younger than" and insert "under"

3 AMENDMENT NO. 59

4 On page 18, line 4, delete "Louisiana Revised Statutes" and insert "R.S."

5 AMENDMENT NO. 60

6 On page 18, line 5, at the end of the line delete the comma " , "

7 AMENDMENT NO. 61

8 On page 18, line 6, delete "as provided in" and insert "pursuant to"

9 AMENDMENT NO. 62

10 On page 18, delete lines 11 through 28 and insert the following:

11 "(a) The child is brought in person before the court for a contradictory
12 modification hearing, pursuant to Article 909 et seq., before the lapse of the
13 maximum duration of the initial nine-month commitment.

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

16 (2) If the child's commitment is continued beyond eighteen months, a
17 contradictory modification hearing shall occur not less than every six months
18 from the date of the disposition. At any such hearing, if the court determines
19 extending the child's out-of-home placement is not necessary to complete
20 treatment, the child shall be released. The total duration of disposition shall not
21 exceed the maximum provided in this Article.

22 (3) The provisions of this Paragraph may be waived at the time of
23 disposition if the waiver is knowing, intelligent, and voluntary and made after
24 the child is afforded an adequate and meaningful opportunity to consult with
25 counsel."

26 AMENDMENT NO. 63

27 On page 19, line 1, delete "Louisiana Revised Statutes" and insert "R.S."

28 AMENDMENT NO. 64

29 On page 19, delete lines 5 through 23 and insert the following:

30 "(a) The child is brought in person before the court for a contradictory
31 modification hearing, as provided in Article 909 et seq. before the lapse of the
32 maximum duration of the initial eighteen month probationary period.

33 (b) The court finds by clear and convincing evidence that continued
34 probation is necessary for completion of the child's treatment.

35 (2) If probation is continued beyond eighteen months, a contradictory
36 modification hearing shall occur not less than every six months from the
37 disposition. At any such hearing, if the court determines extending the child's
38 probation is not necessary to complete treatment, the child shall be released.
39 The total duration of disposition shall not exceed the maximum provided in this
40 Article.

1 **(3) The provisions of this Paragraph may be waived at the time of**
2 **disposition if the waiver is knowing, intelligent, and voluntary and made after**
3 **the child is afforded an adequate and meaningful opportunity to consult with**
4 **counsel.**

5 AMENDMENT NO. 65

6 On page 20, line 10, change "**for**" to "**For**"

7 AMENDMENT NO. 66

8 On page 20, line 14, change "**for**" to "**For**"

9 AMENDMENT NO. 67

10 On page 20, line 18, change "**for**" to "**For**"

11 AMENDMENT NO. 68

12 On page 21, line 7, delete "Section 4." and insert "Section 3."