
The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

SB 324 Engrossed DIGEST Morrell
2016 Regular Session

Present law provides that a child age 15 or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnaping, is subject to the exclusive jurisdiction of the juvenile court until either:

- (a) An indictment charging one of these offenses is returned.
- (b) The juvenile court holds a continued custody hearing and finds probable cause that he committed one of these offenses, whichever occurs first. Provides that during the hearing, when the child is charged with aggravated or first degree rape, the court is to inform him that if convicted he will be required to register as a sex offender for life.

Present law provides that thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and requires that the child be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult.

Proposed law retains present law provisions but allows the court discretion as to whether to transfer the child to an adult facility for detention prior to trial as an adult. However, provides that a child who is subject to criminal jurisdiction as an adult shall not be detained prior to trial in a juvenile detention facility after reaching the age of 18 if the governing authority with funding responsibility for the juvenile detention facility objects to the detention, unless the judge with the criminal jurisdiction orders the child to be detained in the juvenile detention facility.

Present law defines a child, for purposes of delinquency, to be any person under the age of 21, including an emancipated minor, who commits a delinquent act before attaining the age of 17.

Proposed law retains present law. However, provides that after June 30, 2018, child means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2018, when the act is not a crime of violence and occurs before the person attains 18 years of age. Further provides that after June 30, 2020, child means 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.

Proposed law creates the Louisiana Juvenile Jurisdiction Planning and Implementation Committee as a committee of the Juvenile Justice Reform Act Implementation Commission and provides for the committee to have the following authority, duties and responsibilities:

- (1) Prior to January 1, 2017, to develop and submit to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives a plan for full implementation of the provisions of proposed law. Requires the plan to include recommendations for changes required in the juvenile justice system to expand jurisdiction to include persons 17 years of age. Provides the plan may include:
 - (a) The development of programs and policies that can safely reduce the number of youth in the juvenile justice system, including expanded use of diversion where appropriate; development and use of civil citation programs; use of evidence-based and promising services wherever possible; and reinvestment programs targeting the expanded use of community-based alternatives to secure, nonsecure, and pre-disposition custody.
 - (b) The development of comprehensive projections to determine the long-term distribution of placement capacity for youth in the juvenile justice system.
 - (c) An analysis of the impact of the expansion of juvenile jurisdiction to persons 17 years of age on state agencies and a determination of which state agencies shall be responsible for providing relevant services to juveniles, including but not limited to mental health and substance abuse services, housing, education and employment.
- (2) No later than April 1, 2017, and quarterly thereafter, to submit a written status report to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives on implementation of its plan.
- (3) To have such powers, authority and prerogatives as that provided in present law for the Juvenile Justice Reform Act Implementation Commission.

Proposed law provides that the membership of the committee shall be as follows:

- (1) Each member of the Juvenile Justice Reform Act Implementation Commission which includes:
 - (a) The chief justice of the Louisiana Supreme Court or an association justice as appointed by the chief justice.
 - (b) One senator appointed by the president of the Senate.
 - (c) One representative appointed by the speaker of the House of Representatives.
 - (d) The commissioner of administration.
 - (e) The vice president for Administration and Management at Southern University or his designee.

- (f) One representative appointed by the Louisiana District Attorneys Association.
- (g) One representative appointed by the state public defender.
- (2) Two sitting judges: one appointed by the president of the Louisiana District Judges' Association and one appointed by the president of the Louisiana Committee of Juvenile and Family Court Judges.
- (3) The deputy secretary of the office of juvenile justice or his designee.
- (4) The superintendent of the state Department of Education or his designee.
- (5) The executive director of the Louisiana Sheriffs' Association or his designee.
- (6) The president of the Louisiana Juvenile Detention Association or his designee.
- (7) An attorney appointed by the Louisiana Public Defender Board.
- (8) The executive director of the governor's Children's Cabinet.
- (9) The director of the Institute for Public Health and Justice or his designee.
- (10) Two child or youth advocates, one appointed by the president pro tempore of the Senate and one appointed by the speaker pro tempore of the House of Representatives.
- (11) Two parents of children who have been involved in the juvenile justice system, one appointed by the executive director of the Cecil J. Picard Center for Child Development and Lifelong Learning and one appointed by the executive director of the Children's Coalition for Northeast Louisiana.
- (12) An expert in juvenile justice, appointed by the chair of the Children's Code Committee of the Louisiana State Law Institute.
- (13) Two youth representatives who have been prosecuted in criminal court at the age of seventeen, one appointed by the executive director of LouisianaChildren.org and one appointed by the executive director of the Family and Youth Counseling Agency of Lake Charles, Louisiana.
- (14) A representative of the Police Jury Association of Louisiana.
- (15) An attorney appointed by the Louisiana District Attorneys Association that is an expert in juvenile prosecution.

Proposed law requires appointments to the committee to be made by August 31, 2016. Provides that the executive director of the governor's Children's Cabinet shall serve as chair and call the first

meeting by September 29, 2016. Provides that the members serve without compensation except the compensation to which they may be individually entitled as a member or employee of their respective organization or agency. Provides a majority of membership constitutes a quorum and any official action of the committee requires an affirmative vote of a majority of the quorum present and voting. Provides that the committee terminates on December 31, 2020.

Directs the Louisiana State Law Institute to study and to recommend to the legislature by March 1, 2017, other amendments and addition to the law as may be appropriate to effectuate the purpose of including 17 year olds in the juvenile justice system.

Request the Louisiana Judicial Council to study and to recommend to the Supreme Court amendments to Louisiana's Rules of Court as appropriate to effectuate the purpose of including 17 year olds in the juvenile justice system.

Directs the Department of Children and Family Services to study and to recommend new or amended rules as appropriate for the safe operation of the state's juvenile detention centers with the inclusion of 17 year olds in the juvenile justice system.

Provides that this Act shall be known as the "Raise the Age Louisiana Act of 2016."

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch. C. Arts. 305(A)(2), 306(D), and 804(1); adds R.S. 15:1441-1442 and Ch. C. Art. 306(G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Deletes provisions relative to legislative findings and declarations.
2. Adds the following to the membership of the committee: the vice president for Administration and Management at Southern University; the executive director of the governor's Children's Cabinet; a representative of the Police Jury Association of Louisiana; a representative appointed by the Louisiana District Attorneys Association; and an attorney appointed by the Louisiana District Attorneys Association that is an expert in juvenile prosecution.
3. Changes chair of committee from commissioner of administration to executive director of governor's Children's Cabinet.
4. Adds changes to proposed law definition of "child" for purposes of juvenile justice matters from below the age of 18 effective immediately to a two-step progression over the next four years.

5. Adds authority for a local governing authority with funding responsibility for a juvenile detention facility to object to detention of a child over the age of 18 in such juvenile detention facility in certain circumstances.
6. Makes technical changes.