SLS 16RS-396

REENGROSSED

2016 Regular Session

SENATE BILL NO. 301

BY SENATOR MORRELL

JUVENILE JUSTICE. Creates the Juvenile Justice Accountability and Cost Effectiveness Act of 2016. (8/1/16)

AN ACT

To amend and reenact R.S. 15:1087 and Children's Code Arts. 815, 898, 900(A), and 1509.1(A) and (C) and to enact Part V-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:931 through 945, relative to juvenile justice; to provide for data compilation and reporting; to provide for accountability and cost effectiveness; to provide for program evaluation and funding; to provide for certain periods of detention in juvenile facilities under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1087 is hereby amended and reenacted and Part V-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:931 through 945, is hereby enacted to read as follows:

PART V-A. JUVENILE JUSTICE ACCOUNTABILITY

AND COST EFFECTIVENESS

SUBPART I. DATA AND ACCOUNTABILITY

§931. Purpose and policy

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

§932. Definitions

As used in this Subpart, the following words shall have the following
meaning:

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

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

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

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

B. Publication and reporting. (1) The office of juvenile justice shall
tabulate, analyze, and publish electronically, on the website maintained by the
office of juvenile justice, on or before January fifteenth and June fifteenth of
each year, the complete set of statistical data required to be collected and
reported under this Section.

(2) The first such electronic publication of all data collected and reported
in this Section shall be published electronically no later than January 15, 2018.

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

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

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

(1) Name.

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

(3) Date of birth.

(4) Gender.

(5) Race and ethnicity.

(6) Parish of residence.

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

(8) Offenses with which the child was initially petitioned, with each offense stored as an individual variable.

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

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

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

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

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

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

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

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

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

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

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

(21) The release date.

(22) The length of time on parole supervision.

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

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

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

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

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

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

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

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

1. Disaggregated by race, ethnicity, gender, parish of prosecution, and most serious offense of adjudication, data including:

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

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

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

   d. The duration of the commitment imposed by the court for all children admitted to the custody of the office of juvenile justice during the preceding year.

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

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

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

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

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

   j. The total number of days spent by children committed to the custody
of the office of juvenile justice and in each nonsecure facility in which the office of juvenile justice places youth in its custody, during the preceding year.

(2) The average daily caseload of office of juvenile justice probation officers during the preceding year, disaggregated by legal status.

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

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

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

F. The office shall cooperate and coordinate with courts, juvenile court clerks, detention centers, and public and private agencies in the collection of this statistical data. In order to facilitate the collection of such the information required by this Section, the department shall be authorized to inspect and copy all records of the court and law enforcement agencies pertaining to youth served by the department.

§934. Detention Centers

A. All facilities that detain juveniles pursuant to Title VII or Title VIII of the Louisiana Children's Code shall collect and maintain data on each child detained. This data shall be retained permanently by the facility and shall be made available for inspection during normal business hours by any court exercising juvenile court jurisdiction, by the Department of Children and Family Services, and by persons collecting aggregate statistical information.
B. The data collected and maintained shall include but not be limited to
the following information for each child:

(1) Name.

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

(3) Date of birth.

(4) Gender.

(5) Race and ethnicity.

(6) Address.

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

(8) The date and time of the child’s entry into and exit from the juvenile
detention center.

(9) Authority for confinement.

(10) The name of the officer and the law enforcement agency employing
the officer responsible for transporting the child to the juvenile detention
center.

(11) Whether the alleged offense occurred in a school, place of business,
the child’s home, or other location and the name of the school if the offense is
alleged to have occurred in a school.

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

(13) The child’s score on a detention screening tool or risk assessment,
if applicable.

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

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

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

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

SUBPART II. JUVENILE JUSTICE REINVESTMENT PROGRAM

§941. Purpose and policy

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

§942. Definitions

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

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

(2) "Out of home placement" shall mean placement of a child in a juvenile detention center, or commitment of the child to the legal custody of the office of juvenile justice, pursuant to Titles VII and VIII of the Louisiana Children's Code. A child is deemed in the legal custody of the office of juvenile justice from the day of judicial commitment, whether or not the child is in the physical custody of the office of juvenile justice.

(3) "Program" shall mean the Juvenile Justice Reinvestment Program, a fiscal incentive program to fund local efforts that enhance public safety while reducing juvenile justice system costs.

§943. Program

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

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

§944. Program funding

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

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

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

B. Reporting and calculations.

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

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

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

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

§945. Program design

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

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

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

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

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

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

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

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

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

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

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

(iii) How the program reduces recidivism.

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

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

(vi) Geographical distribution.

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

(viii) The cost of the program or service.

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

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

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

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

(c) If the applicant has substantially complied with the requirements of the program, but has not attained the reductions required in this Subsection, the applicant may apply for a grant renewal if there is a fifteen percent reduction in detention admissions, commitments to the office of juvenile justice, or a combination thereof during year one as compared to the applicant's baseline.
(d) Detentions and office of juvenile justice commitments for violent offenses as specified in R.S. 14:2 shall not be counted in the calculation of reductions for a judicial district.

B. A judicial district or group of districts may apply for the program until its population of detention admissions and office of juvenile justice commitments is reduced by sixty percent as compared to the applicant's baseline, if the judicial district meets the reductions described in Subsection A of this Section, the district may continue to apply for funding if the required reductions are maintained.

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

A. For the purposes of this Section, "contract" shall mean any legally binding agreement that requires the provision of services to youth or their families in exchange for the direct or indirect payment, exchange, or granting of funds.

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

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

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

C. The office of juvenile justice shall annually publish a report, on or
before October fifteenth of each of each year and beginning on October 15, 2017, describing each contract entered into for the purposes of providing services to youth or their families, and fully listing and analyzing inputs, outputs, outcomes, and results achieved under that contract during the preceding fiscal year.

Section 2. Louisiana Children's Code Articles 815, 898, 900(A), and 1509.1(A) and (C) are hereby amended and reenacted to read as follows:

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

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

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

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

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

E. The governing authority of the parish or municipality requesting placement of a juvenile in either a regional detention center or a shelter care facility shall be responsible to the regional detention center or shelter care facility for the cost of confinement in accordance with a schedule which may be adopted by the regional detention center or shelter care facility.
F. No child under the age of thirteen shall be detained in a juvenile detention center after being taken into custody for the alleged commission of a misdemeanor-grade delinquent act.

*          *          *

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

A. 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
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1 law, or is vacated:

(5) The child reaches age twenty-one:

(6) The child is ordered to participate in a juvenile drug court program
operated by a court of this state, as a condition of probation, so long as the child is
a full-time participant in such juvenile drug court program.

B. If a child is adjudicated delinquent for a felony-grade offense that is
not a crime of violence as defined in R.S. 14:2 and is committed to the custody
of the Department of Public Safety and Corrections pursuant to Article 897(D):

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

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

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

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

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

C. If a child is adjudicated delinquent for a felony-grade offense that is
not a crime of violence as defined in R.S. 14:2 and is placed on probation:

Coding: Words which are struck through are deletions from existing law;
words in boldface type and underscored are additions.
(1) The duration of the probation shall not exceed eighteen months unless all of the following conditions are met:

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

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

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

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

*         *         *

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

A. No judgment of disposition shall remain in force for a period exceeding the maximum term of imprisonment for the offense which forms the basis for the adjudication, except that if the child is placed on probation, the term of probation may extend for a maximum of two years one year, or for such longer period of time as the child is a full-time participant in a juvenile drug court program operated by a court of this state, if such participation has been ordered by the court as a condition of the child's probation. The court shall give a child credit for time spent in secure detention prior to the imposition of disposition.

*         *         *

Art. 1509.1. Penalties for contempt; children
A. In delinquency proceedings, 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, the court may:

1. For a first offense in any twelve-month period, commit the child to a juvenile detention center or other suitable facility for not more than fifteen three days, including the time spent in detention for the contempt prior to the contempt hearing.
2. For a second offense in any twelve-month period, commit the child to a juvenile detention center or other suitable facility for not more than seven days, including the time spent in detention for the contempt prior to the contempt hearing.
3. For a third or subsequent offense in any twelve-month period, commit the child to a juvenile detention center or other suitable facility for not more than fifteen days, including the time spent in detention for the contempt prior to the contempt hearing.

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

1. Commit the child to a shelter care facility for not more than fifteen days, including time spent there for the contempt prior to the contempt hearing.
2. Commit the child to a secure detention facility for not more than fifteen a total of seventy-two hours in any six-month period, including time spent there for the contempt prior to the contempt hearing, if the court finds that all of the following have occurred:
   a. A judgment of disposition was entered pursuant to Article 782.
   b. The child willfully violated the judgment of disposition.
   c. All sanctions other than secure confinement have been exhausted or are clearly inappropriate.
Section 3. This Act shall be known as the "Juvenile Justice Accountability and Cost Effectiveness Act of 2016".

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 Jay Lueckel.

DIGEST


Proposed law provides for electronic 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 (OJJ) to collect, maintain, and regularly report a record of statistical data concerning the services it provides, the youth it serves, the outcomes experienced, and the funds expended. Provides for publication of reports and the types of data to be collected. Requires first report to be published electronically no later than January 15, 2018. Requires data to be published statistically without any identifying information.

Proposed law defines "episode" as a singular instance in which a youth is placed under the supervision, care, or custody of the office of juvenile justice.

Proposed law requires the OJJ to cooperate and coordinate with courts, juvenile court clerks, detention centers and public and private agencies in collecting its data.

Proposed law requires the OJJ to collect and maintain 26 different items of data on the children it serves. Requires the data to be maintained for a minimum of five years.

Proposed law requires specific data to be collected from all facilities that detain juveniles and provides that the information be available for inspection by any court exercising juvenile jurisdiction and DCFS.

Proposed law creates a Juvenile Justice Reinvestment Program as a fiscal incentive program to fund local efforts to enhance safety while reducing juvenile justice system costs.

Proposed law requires the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to determine data for calculating reductions and increases in custody placements and to report fiscal impacts on February first of each year starting in 2017.

Proposed law provides for the development of requirements for program grant applications and review of these applications.

Proposed law defines contract as any legally-binding agreement that requires the provisions of services to youth or their families in exchange for the direct or indirect payment, exchange, or granting of funds.

Present law provides that contracts for non-state providers for services to juvenile offenders assigned to DPSC or their families shall not exceed five years without renewal or negotiation.
Proposed law provides that contracts for non-state providers for services to juvenile offenders assigned to the OJJ or their families shall not exceed five years without renewal or negotiation.

Proposed law provides that any contract entered into by OJJ to provide services to youth or their families shall be performance-based and include financial disincentives or consequences based on the results achieved by the contractor.

Proposed law requires OJJ to annually publish a report detailing all contracts entered into for services to youth or their families no later than October 15th each year beginning October 15, 2017.

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 provides that no judge shall order a youth who is 13 years of age or older and who is taken into custody for a felony-grade delinquent act or for a misdemeanor-grade act based on an offense against the person of another be placed in a shelter facility.

Proposed law provides that if a child is adjudicated for a felony-grade offense that is not a crime of violence and is committed to custody of DPSC, the total duration of the commitment imposed shall not exceed nine months if the following conditions are met:

1. The child is brought in person before the court for a contradictory modification hearing before the lapse of the maximum duration of the initial nine-month commitment.

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

Proposed law provides that if a child is adjudicated for a felony-grade offense that is not a crime of violence and is placed on probation the total duration of the probation shall not exceed 18 months unless the child is brought before the court for a hearing and the court finds that continued probation is necessary.

Proposed law provides that if a court continues a child's probation beyond 18 months it must hold a hearing every six months to determine if probation should be terminated or extended.

Present law provides that no judgment of disposition shall remain in force for a period exceeding the maximum term of imprisonment for the offense which forms the basis for the adjudication, except that if the child is placed on probation, the term of probation may extend for two years or longer if the child is in a full-time juvenile drug court program as a condition of probation.

Proposed law retains present law and decreases the maximum term of probation from two years to one year.

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 12-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 12-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.
15:931-945)

Summary of Amendments Adopted by Senate

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

1. Technical amendments to language.
2. Adds definition for "episode".
3. Removes requirement that statistical data on the office of juvenile justice
website be in a format that is searchable and intelligible to the general public.
4. Changes what data is required to be collected and maintained by the office
of juvenile justice for each child served.
5. Changes determinations the Louisiana Commission on Law Enforcement and
Administration of Criminal Justice must make regarding costs.
6. Removes provisions granting a cause of action to enjoin DPSC or OJJ for
failure to comply with applicable provisions.
7. Changes annual publication date of the OJJ's report describing contracts
entered into for services to youth and their families from May 15th of each
year to October 15th of each year.

Committee Amendments Proposed by Senate Committee on Finance to the
engrossed bill

1. Deletes the provisions relative to district courts which requires each clerk of
a court exercising juvenile delinquency and felony criminal jurisdiction to
collect and provide to the La. Supreme Court data as may be necessary for
reporting on the juvenile justice system.