
SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Appel to Engrossed House Bill No. 1357 by Representative Baldone

1 AMENDMENT NO. 1

2 Delete Senate Committee Amendment No. 1 proposed by the Senate Committee on Judiciary
3 C and adopted by the Senate on June 9, 2010.

4 AMENDMENT NO. 2

5 On page 1, line 4, after "definitions;" insert "to provide for procedures;"

6 AMENDMENT NO. 3

7 On page 2, line 9, after "C." delete the remainder of the line and delete lines 10 through 14
8 and insert the following:

9 "(1) If a parent or guardian has evidence that their minor child has been the
10 subject of a violation of Subsection A of this Section committed by another minor,
11 the parent or guardian may file a complaint with the office of juvenile justice within
12 the Department of Public Safety and Corrections. The office of juvenile justice shall
13 promulgate a form in which to file the complaint and shall post the form on the
14 office's Internet web site. A copy of any evidence to establish a violation of this
15 Section shall be attached to the complaint.

16 (2) If the office of juvenile justice finds that there is reason to believe that
17 a violation of Subsection A of this Section has occurred pursuant to the complaint,
18 the office shall notify the parties in writing, by certified mail, and conduct a hearing
19 before an administrative law judge.

20 (3) On the first and subsequent two offences, if the administrative law judge
21 finds that the minor has violated the provisions of Subsection A of this Section, the
22 administrative law judge may order a civil fine of not more than one hundred dollars.

23 (4) If the minor offender fails to appear at the administrative hearing, after
24 receiving proper notice, or fails to timely pay the civil fine within thirty days from
25 the date of the order of the administrative law judge, the office of juvenile justice
26 shall notify the district attorney for the parish where the minor offender resides.

27 (5)(i) When the minor has been found to have committed and has been found
28 guilty three separate times for a violation of Subsection A of this Section pursuant
29 to Paragraph (1) of this Subsection, upon the forth or subsequent offense, the district
30 attorney may file charges against the minor offender.

31 (ii) If the minor violates the provisions of Paragraph (4) of this Subsection,
32 the district attorney may file charges against the minor and prosecute the case in
33 place of the administrative law judge.

34 D. When any one under the age of seventeen commits a violation of
35 Subsection A of this Section, the following penalties shall apply:

36 (1) When prosecution is initiated pursuant to Subparagraph (C)(5)(i) of this
37 Section, and the minor is found to be guilty, th minor offender shall be fined not
38 more than five hundred dollars, imprisoned for not more than six months, or both.

39 (2) Upon a second conviction, the minor offender shall be fined not more
40 than two thousand dollars, imprisoned for not more than one year, or both.

41 (3) Upon a third or subsequent conviction, the minor offender shall be fined
42 not more than five thousand dollars, imprisoned for not less than one year and not
43 more than three years, or both.

44 (4) Whoever violates the provisions of Subsection A of this Section when
45 the offender is eighteen years or older shall be fined not more than three thousand
46 dollars or imprisoned for not more than one year."