

SENATE BILL NO. 301

BY SENATOR MORRELL AND REPRESENTATIVES BAGNERIS AND MARCELLE

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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.**

1           **§932. Definitions**

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

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

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

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

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

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

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

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

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

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

29                   **(1) Name.**

30                   **(2) Unique identification number assigned for the purposes of analyzing**

1 and reporting de-identified data.

2 (3) Date of birth.

3 (4) Gender.

4 (5) Race and ethnicity.

5 (6) Parish of residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3                   **(21) The release date.**

4                   **(22) The length of time on parole supervision.**

5                   **(23) If any recommendation is made for the early release by the office of**  
 6 **juvenile justice.**

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

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

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

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

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

17                   **(c) If the child was on HISET or Carnegie Units while in the custody of**  
 18 **the office of juvenile justice.**

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

21                   **(1) Disaggregated by race, ethnicity, gender, parish of prosecution, and**  
 22 **most serious offense of adjudication, data including:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11                  §934. Detention centers

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

18                  B. The data collected and maintained shall include but not be limited to  
19                  the following information for each child:

20                         (1) Name.

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

23                         (3) Date of birth.

24                         (4) Gender.

25                         (5) Race and ethnicity.

26                         (6) Address.

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

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

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

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

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

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

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

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

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

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

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

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

22           **§941. Purpose and policy**

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

28           **§942. Definitions**

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

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

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

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

12           §943. Program

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

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

22           §944. Program funding

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

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

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



1                    **B. Reporting and calculations.**

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

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

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

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

22                   **§945. Program design**

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

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

27                   **(a) The requirement that the children and youth planning board within**  
28                   **each judicial district will be responsible for grant application and**  
29                   **implementation for that judicial district. In the event that a group of judicial**  
30                   **districts apply jointly, each children and youth planning board within the group**

1 of judicial districts shall indicate in writing its consent to the application, and  
 2 all applicant districts together shall designate a committee of persons who shall  
 3 be responsible for the grant application and implementation.

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

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

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

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

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

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

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

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

19 (iii) How the program reduces recidivism.

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

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

25 (vi) Geographical distribution.

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

27 (viii) The cost of the program or service.

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

29 (3) The criteria for renewal of a grant awarded by the program,  
 30 provided that:



1 providers for services to juvenile offenders assigned to the ~~Department of Public~~  
 2 ~~Safety and Corrections~~ **office of juvenile justice**, and/or to **or** their families, shall  
 3 not exceed a term of five years without renewal and renegotiation. Nothing in this  
 4 Section shall prohibit the department from terminating or amending such contracts  
 5 prior to their expiration as otherwise provided by law.

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

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

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

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

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

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

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



1 has elapsed.

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

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

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

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

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

18 **(1) The total duration of the commitment served shall not exceed nine**  
 19 **months, including credit for time spent in secure detention prior to the**  
 20 **imposition of the disposition unless all of the following conditions are met:**

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

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

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

1 exceed the maximum provided in this Article.

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

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

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

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

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

15 (2) If probation is continued beyond eighteen months, a contradictory  
 16 modification hearing shall occur not less than every six months from the  
 17 disposition. At any such hearing, if the court determines extending the child's  
 18 probation is not necessary to complete treatment, the child shall be released.

19 The total duration of disposition shall not exceed the maximum provided in this  
 20 Article.

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

25 \* \* \*

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

27 A. No judgment of disposition shall remain in force for a period exceeding  
 28 the maximum term of imprisonment for the offense which forms the basis for the  
 29 adjudication, except that if the child is placed on probation, the term of probation  
 30 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~~ **seven**  
 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**  
 15 **to a juvenile detention center or other suitable facility for not more than ten**  
 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,**  
 19 **commit the child to a juvenile detention center or other suitable facility for not**  
 20 **more than fifteen days, including the time spent in detention for the contempt**  
 21 **prior 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 **seven** days, including time spent there for the contempt prior to the contempt  
 30 hearing, if the court finds that all of the following have occurred:



- 1 (a) A judgment of disposition was entered pursuant to Article 782.
- 2 (b) The child willfully violated the judgment of disposition.
- 3 (c) All sanctions other than secure confinement have been exhausted or are
- 4 clearly inappropriate.
- 5 Section 3. This Act shall be known as the "Juvenile Justice Accountability and Cost
- 6 Effectiveness Act of 2016".

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_