

2017 Regular Session

SENATE BILL NO. 156

BY SENATOR LAMBERT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUVENILES. Provides relative to juvenile detention facilities. (gov sig)

1 AN ACT

2 To amend and reenact LAC 67:V.7517(C)(2)(b) and 7519(A)(4), (C)(1), (D)(2) and (7)(d),
3 and (I)(1), and to enact LAC 67:V.7517(A)(16), (C)(1)(f), and (D)(2)(o), and to
4 repeal LAC 67:V.7517(C)(2)(c), relative to juvenile detention facilities; to provide
5 relative to requirements for juvenile detentions of thirty days or less; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. LAC 67:V.7517(C)(2)(b) and 7519(A)(4), (C)(1), (D)(2) and (7)(d), and
9 (I)(1), are hereby amended and reenacted and LAC 67:V.7517(A)(16), (C)(1)(f), and
10 (D)(2)(o) are hereby enacted to read as follows:

11 §7517. Facility Services

12 A. Education

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14 **(16) The provisions of this Subsection shall not apply to juvenile**
15 **detentions of thirty days or less.**

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17 C. Food Services

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1. Food Preparation

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f. The requirements of Subparagraphs (b), (c), and (e) shall not apply to juvenile detentions of thirty days or less if there is an adult facility within reasonable proximity to the juvenile detention facility that can provide the same services as are enumerated in those Subparagraphs.

2. Nutritional Requirements

* * *

b. Meals shall be planned and shall provide a well-balanced diet sufficient to meet nutritional needs. **Food and dietary allowances shall be in accordance with caloric tables published by the United States Department of Health and Human Services, National Institutes of Health, concerning caloric intake for juveniles.**

* * *

D. Health Related Services

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2. Medical Care

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o. For juvenile detentions of thirty days or less, the requirements of this Paragraph may be fulfilled by an adult facility within reasonable proximity to the juvenile detention facility that can provide the same services.

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§7519. Physical Environment

A. Physical Appearance and Conditions

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4. The facility's perimeters shall be controlled by appropriate means to provide that youth remain within the perimeter and to prevent access by the general public without proper authorization. Facilities shall not utilize razor wire to secure the perimeter, **except that this prohibition shall not apply to juvenile detentions of thirty days or less if the cost of removal of existing razor wire would be**

1 **prohibitive.**

2 * * *

3 C. Dining Areas

4 1. Dining areas shall be clean, well lit, ventilated and equipped with dining
5 tables and appropriate seating for the dining tables, **except that in the case of**
6 **juvenile detentions of thirty days or less, separate dining facilities shall not be**
7 **required at the facility and day rooms may be used for seated dining at tables.**

8 D. Sleeping Areas

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10 2. Ceilings shall be a minimum of 10 feet from ceiling to floor, **except that**
11 **in the case of juvenile detentions of thirty days of less, ceilings may be a**
12 **minimum of 8 feet from ceiling to floor.**

13 * * *

14 7. Doors

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16 d. In newly constructed or renovated facilities doors to sleeping rooms shall
17 be arranged alternately so that they are not across the corridor from each other,
18 **except that in the case of juvenile detentions of thirty days or less, doors to**
19 **sleeping rooms may be across the corridor from each other.**

20 * * *

21 I. Laundry

22 1. The provider shall have a process in place to ensure clean laundry is
23 available for the youth. **With regard to juvenile detentions of thirty days or less,**
24 **the requirements of these Subsections shall be met if there is an adult facility**
25 **within reasonable proximity to the juvenile detention facility that can provide**
26 **laundry services to the juvenile detention facility.**

27 Section 2. LAC 67:V.7517(C)(2)(c) is hereby repealed in its entirety.

28 Section 3. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 3 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 156 Original

2017 Regular Session

Lambert

Present LAC provides rules relative to educational requirements at juvenile detention facilities, including that the provider is to have written policies, procedures, and practices to ensure that each youth has access to the most appropriate educational services consistent with the youth's abilities and needs, taking into account his age, and level of functioning, and that the youth is to receive a free and appropriate public education.

Proposed LAC provides that these present LAC rules do not apply to juvenile detentions of 30 days or less.

Present LAC provides that at juvenile detention facilities, a staff member experienced in food service management is to supervise food service operations. Present LAC further provides that a nutritionist, dietitian, or other qualified professional is to ensure compliance with recommended food allowances and review a system of dietary allowances. Present LAC further provides that the kitchen, consisting of all food storage, food preparation, food distribution, equipment storage, and layout, must comply with office of public health requirements.

Proposed LAC provides that these present LAC rules do not apply to juvenile detentions of 30 days or less. Proposed LAC otherwise retains present LAC.

Present LAC provides that meals at juvenile detention facilities are to be planned and provide a well-balanced diet sufficient to meet nutritional needs.

Proposed LAC retains present LAC and adds that food and dietary allowances are to be in accordance with caloric tables published by the U.S. Dept. of Health and Human Services, National Institutes of Health, concerning caloric intake for juveniles.

Present LAC provides that youth at juvenile detention facilities are to receive snacks in the evenings.

Proposed LAC deletes this provision of present LAC.

Present LAC provides requirements relative to medical care at juvenile detention facilities, including that the provider must have availability or access to a physician or local emergency room 24 hours a day, seven days a week.

Proposed LAC provides that for juvenile detentions of 30 days or less, the requirements of present LAC may be fulfilled by an adult facility within reasonable proximity to the juvenile detention facility that can provide the same services. Proposed LAC otherwise retains present LAC.

Present LAC provides that a juvenile detention facility's perimeters must be controlled by appropriate means to provide that youth remain within the perimeter and to prevent access by the general public without proper authorization. Present LAC further provides that facilities cannot utilize razor wire to secure the perimeter.

Proposed LAC provides that this present LAC prohibition does not apply to juvenile detentions of 30 days or less if the cost of removal of existing razor wire would be prohibitive. Proposed LAC otherwise retains present LAC.

Present LAC provides that dining areas at juvenile detention facilities must be clean, well lit, ventilated, and equipped with dining tables and appropriate seating for the dining tables.

Proposed LAC provides that for juvenile detentions of 30 days or less, separate dining facilities are not be required at the facility, and day rooms may be used for seated dining at tables. Proposed LAC otherwise retains present LAC.

Present LAC provides that sleeping areas at juvenile detention facilities must have ceilings a minimum of 10 feet from ceiling to floor.

Proposed LAC provides that for juvenile detentions of 30 days or less, ceilings may be a minimum of 8 feet from ceiling to floor. Proposed LAC otherwise retains present LAC.

Present LAC provides that in newly constructed or renovated juvenile detention facilities, doors to sleeping rooms are to be arranged alternately so that they are not across the corridor from each other.

Proposed LAC provides that for juvenile detentions of 30 days or less, doors to sleeping rooms may be across the corridor from each other. Proposed LAC otherwise retains present LAC.

Present LAC provides that at juvenile detention facilities, the provider must have a process in place to ensure clean laundry is available for the youth.

Proposed LAC provides that for juvenile detentions of 30 days or less, this present LAC requirement is met if there is an adult facility within reasonable proximity to the juvenile detention facility that can provide laundry services to the juvenile detention facility.

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

(Amends LAC 67:V.7517(C)(2)(b) and 7519(A)(4), (C)(1), (D)(2) and (7)(d), and (I)(1); adds LAC 67:V.7517(A)(16), (C)(1)(f), and (D)(2)(o); repeals LAC 67:V.7517(C)(2)(c))