

GREEN SHEET REDIGEST

HB 241

2019 Regular Session

Mike Johnson

JUVENILES: Provides relative to certain crimes and delinquency provisions when the offender is under the age of eighteen

DIGEST

Prior to March 1, 2019, delinquency provisions applied only to persons under the age of 17. Present law (Act No. 654 of the 2018 R.S.) provides that beginning March 1, 2019, criminal acts that are not crimes of violence committed by 17-year-olds shall be governed by the provisions in the Children's Code regarding delinquency.

Present law provides for the juvenile court for East Baton Rouge Parish and provides that the court has exclusive jurisdiction in all proceedings in the interest of children under 17 years of age alleged to be delinquent, except as otherwise provided in present law, and all proceedings in the interest of children under 18 years of age alleged to be in need of supervision or in need of care.

Proposed law gives the court exclusive jurisdiction in all proceedings in the interest of children under 18 years of age rather than 17 years of age. Proposed law further makes technical changes to conform certain provisions of proposed law to present law.

Proposed law otherwise retains present law.

Present law provides for the following regarding persons subject to delinquency provisions in the Children's Code:

- (1) Provides for the establishment of parish schools for male youths who are adjudicated delinquent.
- (2) Provides preadjudicatory and postadjudicatory opportunities for juveniles adjudicated delinquent.

The present law crimes of cyberbullying, online impersonation, and retaliation by a minor against a parent, legal custodian, witness, or complainant provide that the offense can only be committed by persons under the age of 17.

The present law crime of illegal possession of a handgun by a juvenile provides that the offense can only be committed by persons 17 years of age or older.

Present law provides that any multiparish juvenile detention home district may acquire title by purchase or donation to real and personal property for public purposes; may own, operate or maintain facilities for the housing, care, supervision, maintenance and education of juveniles under the age of 17 years, and for juveniles 18 years of age and over who were under 18 years of age when they committed an alleged offense.

Proposed law makes all provisions of present law applicable to individuals under the age of 18 years rather than 17 years of age.

Proposed law otherwise retains present law.

Proposed law amends these present law provisions to conform with the changes made by Act No. 254 of 2018 R.S. by changing references of persons over or under the age of 17 to persons over or under the age of 18.

(Amends R.S. 13:1621(A)(1), R.S. 14:40.7(D)(2), 73.10(C)(2), 92.3(A), 95.8(A) and (C)(intro. para.), R.S. 15:1031, 1096.2(A), 1098.3, and 1099.3, and R.S. 46:1933(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove from proposed law changes to the present law provision regarding the transfer of adjudicated juvenile delinquents.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the engrossed bill

1. Change age to which provisions relative to the juvenile court for East Baton Rouge Parish apply from 17 years to 18 years.
2. Change age to which provisions relative to multiparish juvenile detention home districts apply from 17 years to 18 years.
3. Change references in certain provisions of proposed law from "juveniles" to "individuals" when referring to persons over the age of 18 years.
4. Make technical changes.