

ACT No. 104

2019 Regular Session

HOUSE BILL NO. 241

BY REPRESENTATIVES MIKE JOHNSON AND MARINO AND SENATOR CARTER

1 AN ACT

2 To amend and reenact R.S. 13:1621(A)(1), R.S. 14:40.7(D)(2), 73.10(C)(2), 92.3(A), and
3 95.8(A) and (C)(introductory paragraph), R.S. 15:1031, 1096.2(A), 1098.3, 1099.3,
4 and R.S. 46:1933(B), relative to juveniles; to provide relative to juvenile court
5 jurisdiction; to provide relative to the application of delinquency provisions to
6 seventeen-year-olds; to provide relative to the application of certain non-violent
7 crimes based upon the age of the offender; to provide relative to the establishment
8 of schools for juveniles who are adjudicated delinquent; to provide relative to
9 rehabilitative programs for juveniles preadjudication; to provide relative to
10 multiparish juvenile detention home districts; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 13:1621(A)(1) is hereby amended and reenacted to read as follows:

13 §1621. Juvenile court for the parish of East Baton Rouge; establishment;
14 jurisdiction

15 A. There shall be a separate juvenile court for the parish of East Baton
16 Rouge which shall be a court of record and shall be known as the "Juvenile Court for
17 the Parish of East Baton Rouge". There shall be two judges of the juvenile court,
18 who shall preside over that court. The court shall have exclusive jurisdiction in the
19 following proceedings:

20 (1) All proceedings in the interest of children under ~~seventeen~~ eighteen years
21 of age alleged to be delinquent, except as otherwise provided in ~~R.S. 13:1570 and~~
22 ~~1571.1 through 1571.4 and Code of Juvenile Procedure Article 106~~ the Children's
23 Code; and all proceedings in the interest of children under eighteen years of age
24 alleged to be in need of supervision or in need of care.

25 * * *

1 Section 2. R.S. 14:40.7(D)(2), 73.10(C)(2), 92.3(A), and 95.8(A) and
2 (C)(introductory paragraph) are hereby amended and reenacted to read as follows:

3 §40.7. Cyberbullying

4 * * *

5 D.

6 * * *

7 (2) When the offender is under the age of ~~seventeen~~ eighteen, the disposition
8 of the matter shall be governed exclusively by the provisions of Title VII of the
9 Children's Code.

10 * * *

11 §73.10. Online impersonation

12 * * *

13 C.

14 * * *

15 (2) When the offender is under the age of ~~seventeen~~ eighteen years, the
16 disposition of the matter shall be governed exclusively by the provisions of Title VII
17 of the Children's Code.

18 * * *

19 §92.3. Retaliation by a minor against a parent, legal custodian, witness, or
20 complainant

21 A. Retaliation by a minor against a parent, legal custodian, witness, or
22 complainant is the willful, malicious, and repeated threats of force against or
23 harassment of a person or his property by a minor under the age of ~~seventeen~~
24 eighteen accompanied by an overt act on the part of the minor or by the apparent
25 capability of the minor to carry out the threat or harassment, against a parent, legal
26 custodian, person who filed a complaint against the minor, or a witness in a criminal
27 case in which the minor is the defendant or charged with a delinquency and the
28 minor intends to place that person in a reasonable fear of death, serious bodily injury,
29 or damage to property.

30 * * *

1 §95.8. Illegal possession of a handgun by a juvenile

2 A. It is unlawful for any person who has not attained the age of ~~seventeen~~
3 eighteen years knowingly to possess any handgun on his person. Any person
4 possessing any handgun in violation of this Section commits the offense of illegal
5 possession of a handgun by a juvenile.

6 * * *

7 C. The provisions of this Section shall not apply to any person under the age
8 of ~~seventeen~~ eighteen years who is:

9 * * *

10 Section 3. R.S. 15:1031, 1096.2(A), 1098.3, and 1099.3 are hereby amended and
11 reenacted to read as follows:

12 §1031. Establishment of parish schools for youths authorized

13 The governing authorities of the parishes may establish, within their parishes,
14 an industrial school for male youths of the age ~~seventeen~~ eighteen years, and under,
15 convicted in the juvenile court of the parish for offenses within the jurisdiction of the
16 juvenile court. Where any school has been so established, it shall be employed only
17 for the delinquent juveniles convicted within the parish, and shall be known as the
18 "Parish Industrial School for Youths."

19 * * *

20 §1096.2. Purpose

21 A. The purpose of the commission shall be to assist and afford opportunities
22 to preadjudicatory and postadjudicatory children who enter the juvenile justice
23 system, or who are children in need of care or supervision, to become productive,
24 law-abiding citizens of the community, parish, and state by the establishment of
25 rehabilitative programs within a structured environment and to provide physical
26 facilities and related services for children, including the housing, care, supervision,
27 maintenance, and education of juveniles under the age of ~~seventeen~~ eighteen years,
28 and for ~~juveniles~~ individuals ~~seventeen~~ eighteen years of age and over who were

1 under ~~seventeen~~ eighteen years of age when they committed an alleged offense,
2 throughout the parishes within the district and other participating parishes.

3 * * *

4 §1098.3. Purpose

5 The commission may assist and afford opportunities to preadjudicatory and
6 postadjudicatory children who enter the juvenile justice system to become
7 productive, law-abiding citizens of the community, parish, and state by the
8 establishment of rehabilitative programs within a structured environment and provide
9 physical facilities and related services for children, including the housing, care,
10 supervision, maintenance, and education of juveniles under the age of ~~seventeen~~
11 eighteen years, and for ~~juveniles~~ individuals ~~seventeen~~ eighteen years of age and
12 over who were under ~~seventeen~~ eighteen years of age when they committed an
13 alleged offense, throughout St. James Parish and participating parishes.

14 * * *

15 §1099.3. Purpose

16 A governing authority may assist and afford opportunities to preadjudicatory
17 and postadjudicatory children who enter the juvenile justice system to become
18 productive, law-abiding citizens of the community, parish, and state by the
19 establishment of rehabilitative programs within a structured environment and provide
20 physical facilities and related services for children, including the housing, care,
21 supervision, maintenance, and education of juveniles under the age of ~~seventeen~~
22 eighteen years, and for ~~juveniles~~ individuals ~~seventeen~~ eighteen years of age and
23 over who were under ~~seventeen~~ eighteen years of age when they committed an
24 alleged offense, throughout the parish and participating parishes.

25 Section 4. R.S. 46:1933(B) is hereby amended and reenacted to read as follows:

26 §1933. Organization and powers

27 * * *

28 B. Any multiparish juvenile detention home district may acquire title by
29 purchase or donation to real and personal property for public purposes; may own,
30 operate or maintain facilities for the housing, care, supervision, maintenance and

1 education of juveniles under the age of ~~seventeen~~ eighteen years, and for juveniles
2 ~~seventeen~~ individuals eighteen years of age and over who were under ~~seventeen~~
3 eighteen years of age when they committed an alleged offense.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____