

2023 Regular Session

HOUSE BILL NO. 84

BY REPRESENTATIVE SCHLEGEL

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

CHILDRENS CODE: Provides relative to disposition of juveniles after adjudication of certain felony-grade delinquent acts

1 AN ACT

2 To amend and reenact Children's Code Article 897.1(C) and (D), relative to juvenile justice;
3 to provide for disposition of juvenile offenders adjudicated delinquent for carjacking;
4 to provide relative to modification of disposition; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Article 897.1(C) and (D) are hereby amended and
7 reenacted to read as follows:

8 Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

9 * * *

10 C. After adjudication of a felony-grade delinquent act based upon a violation
11 of R.S. 14:64, armed robbery, or R.S. 14:64.2, carjacking, the court shall commit the
12 child who is fourteen years of age or older at the time of the commission of the
13 offense to the custody of the Department of Public Safety and Corrections to be
14 confined in secure placement without benefit of probation or suspension of
15 imposition or execution of sentence.

16 D. Juveniles in secure care for an adjudication for a violation of R.S. 14:42
17 or 44 shall be eligible for modification after serving thirty-six months of the
18 disposition. Juveniles in secure care for an adjudication for a violation of R.S. 14:64
19 or 64.2 shall be eligible for modification after serving thirty-six months of the

1 disposition or, if the disposition is less than thirty-six months, two-thirds of the
2 disposition.

3 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 84 Engrossed

2023 Regular Session

Schlegel

Abstract: Provides relative to disposition of juvenile offenders adjudicated delinquent for carjacking.

Present law (Ch.C. Art. 897.1) provides for the disposition of juvenile offenders after they are adjudicated delinquent for certain felony-grade acts.

Proposed law retains present law.

Present law (Ch.C. Art. 897.1(C)) provides that the court shall commit a juvenile who is 14 years of age or older at the time of the commission of the offense to the custody of the DPS&C to be confined in secure placement without benefit of probation or suspension of imposition or execution of sentence after the juvenile is adjudicated delinquent for the present law (R.S. 14.64) offense of armed robbery.

Proposed law amends present law to include the commitment of a juvenile to the DPS&C after an adjudication for the present law offense of carjacking (R.S. 14:64.2).

Present law (Ch.C. Art. 897.1(D)) provides that juveniles in secure care for an adjudication based on a violation of present law (R.S. 14:42 or 44) shall be eligible for modification after serving 36 months of the disposition.

Proposed law retains present law.

Present law (Ch.C. Art. 897.1(D)) further provides that juveniles in secure care for an adjudication based on a violation of present law (R.S. 14:64) shall be eligible for modification after serving 36 months of the disposition or, if the disposition is less than 36 months, 2/3 of the disposition.

Proposed law amends present law to apply this modification eligibility to offenders in secure care for an adjudication based on the present law (R.S. 64.2) offense of carjacking.

(Amends Ch.C. Art. 897.1(C) and (D))