

2023 Regular Session

HOUSE BILL NO. 208

BY REPRESENTATIVE SEABAUGH

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

JUVENILES/JURISDICTION: Lowers the age for consideration as a juvenile in the criminal justice system

1 AN ACT

2 To amend and reenact Children's Code Articles 305(C), (D), and (E) and 804(1)(c)(ii) and
3 to enact Children's Code Article 305(F), relative to juvenile court jurisdiction; to
4 amend the definition of "child" for purposes of delinquency proceedings; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Articles 305(C), (D), and (E) and 804(1)(c)(ii) are hereby
8 amended and reenacted and Children's Code Article 305(F) is hereby enacted to read as
9 follows:

10 Art. 305. Divestiture of juvenile court jurisdiction; original criminal court
11 jurisdiction over children

12 * * *

13 C. When a child is seventeen years of age at the time of the commission of
14 a crime of violence enumerated in R.S. 14:2(B), he is subject to the exclusive
15 jurisdiction of the appropriate court exercising criminal jurisdiction.

16 ~~E. D.~~ Except when a juvenile is held in an adult jail or lockup, the time
17 limitations for the conduct of a continued custody hearing are those provided by
18 Article 819.

19 ~~D. E.~~ The court exercising criminal jurisdiction shall retain jurisdiction over
20 the child's case, even though he pleads guilty to or is convicted of a lesser included

1 offense. A plea to or conviction of a lesser included offense shall not re-vest
2 jurisdiction in the court exercising juvenile jurisdiction over such a child.

3 E. F.(1) If a competency or sanity examination is ordered, except for the
4 filing of a delinquency petition, the return of an indictment, or the filing of a bill of
5 information, no further steps to prosecute the child shall occur until the court
6 exercising criminal jurisdiction appoints counsel for the child and provides
7 notification in accordance with Article 809 and determines the child's mental
8 capacity to proceed.

9 * * *

10 Art. 804. Definitions

11 As used in this Title:

12 (1)

13 * * *

14 (c)

15 * * *

16 (ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained
17 the age of seventeen and who commits a crime of violence enumerated in R.S.
18 14:2(B) shall be subject to criminal jurisdiction pursuant to Article 305 ~~or 857~~.

19 * * *

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 208 Engrossed

2023 Regular Session

Seabaugh

Abstract: Specifies circumstances when a person who reaches 17 year of age can be tried as an adult.

Present law (Ch.C. Art. 305) provides for jurisdiction over juveniles who commit certain offenses.

Proposed law retains present law.

Proposed law provides that when a child is 17 years of age at the time of the commission of a crime of violence enumerated in present law (R.S. 14:2(B)), he is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction.

Present law (Ch.C. Art. 804) provides for the definition of "child".

Proposed law retains present law.

Present law provides that a child who has attained the age of 17 shall be subject to criminal jurisdiction pursuant to present law (Ch.C. Art. 305 or 857).

Proposed law amends present law to provide that a child who has attained the age of 17 and commits a crime of violence enumerated in present law (R.S. 14:2(B)) shall be subject to criminal jurisdiction pursuant to present law (Ch.C. Art. 305).

(Amends Ch.C. Art. 305(C), (D), (E) and 804(1)(c)(ii); Adds Ch.C. Art. 305(F))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Specify that a child who is 17 years of age at the time of a commission of a crime of violence is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction.