

2023 Regular Session

HOUSE BILL NO. 523

BY REPRESENTATIVES LACOMBE AND SCHEXNAYDER

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

JUVENILES/DETENTION FAC: Provides relative to juvenile detention facilities

1 AN ACT

2 To amend and reenact R.S. 15:1110(H) and Children's Code Articles 305(B)(4) and
3 306(B)(introductory paragraph) and (2), relative to the custody of juveniles; to
4 provide relative to licensing standards for pre-adjudication and post-adjudication
5 juvenile detention facilities; to provide relative to the pre-adjudication detention of
6 juveniles; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:1110(H) is hereby amended and reenacted to read as follows:

9 §1110. Purpose and reasons for detention; detention standards; licensing; fees

10 * * *

11 H. On or before July 1, 2013, all juvenile detention facilities, including
12 facilities owned or operated by any governmental, profit, nonprofit, private, or public
13 agency, shall be licensed in accordance with rules promulgated pursuant to the
14 provisions of Subsection G of this Section. The rules shall contain separate
15 standards for facilities utilized for pre-adjudication juvenile detention. Standards for
16 pre-adjudication juvenile detention facilities shall allow existing local facilities to be
17 utilized with minimal additional costs when it is determined that the economic
18 impact is sufficiently great to make compliance impractical to local governments
19 while maintaining the safety, health, and well-being of juveniles placed in the
20 facilities.

21 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 2. Children's Code Articles 305(B)(4) and 306(B)(introductory paragraph)
2 and (2) are hereby amended and reenacted to read as follows:

3 Art. 305. Divestiture of juvenile court jurisdiction; original criminal court
4 jurisdiction over children

5 * * *

6 B.

7 * * *

8 (4) If an indictment is returned or a bill of information is filed, the child is
9 subject to the exclusive jurisdiction of the appropriate court exercising criminal
10 jurisdiction for all subsequent procedures, including the review of bail applications,
11 and the district court ~~may~~ shall order that the child, upon reaching eighteen years of
12 age, be transferred to the appropriate adult facility for detention prior to his trial as
13 an adult.

14 * * *

15 Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

16 * * *

17 B. If a detention facility for juveniles is not available, he may be held in an
18 adult jail or lockup for identification or processing procedures or while awaiting
19 transportation only as long as necessary to complete these activities for up to six
20 hours, except that in nonmetropolitan areas, he may be held for up to ~~twenty-four~~
21 forty-eight hours if all of the following occur:

22 * * *

23 (2) A continued custody hearing in accordance with Articles 820 and 821 is
24 held within ~~twenty-four~~ forty-eight hours after his arrest.

25 * * *

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 523 Engrossed

2023 Regular Session

LaCombe

Abstract: Provides relative to licensing standards for juvenile detention facilities.

Present law (R.S. 15:1110) requires all juvenile detention facilities to be licensed in accordance with rules promulgated by the Dept. of Children and Family Services.

Proposed law requires the rules to contain separate standards for facilities utilized for pre-adjudication juvenile detention.

Proposed law further requires that standards for pre-adjudication juvenile detention facilities shall allow existing local facilities to be utilized with minimal additional costs when it is determined that the economic impact is sufficiently great to make compliance impractical to local governments while maintaining the safety, health, and well-being of juveniles placed in the facilities.

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

Proposed law retains present law.

Present law (Ch.C. Art. 305(B)(4)) provides that if an indictment is returned or a bill of information is filed, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the district court may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

Proposed law retains present law, but changes the transfer provision relative to the appropriate adult facility from permissive to mandatory upon the child reaching 18 years of age.

Present law (Ch.C. Art. 306) provides for the detention of juveniles who are subject to criminal court jurisdiction.

Proposed law retains present law.

Present law (Ch.C. Art. 306(B)) provides that if a detention facility for juveniles is not available, he may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete these activities for up to six hours, except that in nonmetropolitan areas, he may be held for up to 24 hours if certain conditions occur.

Proposed law retains present law, but changes the length of time that a juvenile may be held in an adult jail or lockup from 24 hours to 48 hours if certain conditions occur.

Present law (Ch.C. Art. 306(B)(2)) provides that one of the conditions that may result in a juvenile being placed in an adult jail or lockup is when a continued custody hearing in accordance with present law (Ch.C. Arts. 820 and 821) is held within 24 hours after his arrest.

Proposed law retains present law, but changes the length of time for the occurrence of a continued custody hearing from 24 hours to 48 hours.

(Amends R.S. 15:1110(H) and Ch.C. Art. 305(B)(4) and 306(B)(intro. para.) and (2))

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. Relative to the present law rules for separate standards for facilities utilized for pre-adjudication juvenile detention, delete the proposed law provision relative to post-adjudication detention.
3. Provide that pre-adjudication standards for juvenile detention facilities shall allow the local existing facilities to be utilized with minimal additional costs when it is determined that the economic impact is sufficiently great to make compliance impractical.
4. Change the provision of present law relative to the transfer of juveniles for criminal prosecution from permissive to mandatory for all subsequent procedures if an indictment is returned or a bill of information is filed.
5. Require the child's transfer to the appropriate adult facility to occur upon the child reaching 18 years of age.
6. Change the length of time that a juvenile may be held in an adult jail or lockup from 24 hours to 48 hours if certain conditions occur.
7. Change the length of time for the occurrence of the continued custody hearing from 24 hours to 48 hours.