

2023 Regular Session

HOUSE BILL NO. 523

BY REPRESENTATIVES LACOMBE, SCHEXNAYDER, AND STEFANSKI

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 Children's Code Article 306(B)(introductory paragraph) and (2), (C),
3 and (G) and to enact Children's Code Article 815(F), relative to the custody of
4 juveniles; to provide relative to the pre-adjudication detention of juveniles; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Article 306(B)(introductory paragraph) and (2), (C), and
8 (G) are hereby amended and reenacted and Children's Code Article 815(F) is hereby enacted
9 to read as follows:

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

11 * * *

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

17 * * *

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

20 * * *

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 Reengrossed

2023 Regular Session

LaCombe

Abstract: Provides relative to the pre-adjudication detention of juveniles.

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.

Present law (Ch.C. Art. 306(C)) provides that if an indictment has not been returned, a bill of information filed, or a continued custody hearing not held within 24 hours, the child held in an adult jail or lockup in a nonmetropolitan area shall be released or removed to a juvenile detention facility.

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.

Present law (Ch.C. Art. 306(G)) provides that a child who is subject to criminal jurisdiction pursuant to present law (Ch.C. Art. 305) shall not be detained prior to trial in a juvenile detention facility after reaching the age of 18 if the governing authority with funding responsibility for the juvenile detention facility objects to such detention.

Proposed law amends present law to provide that a child who is subject to criminal jurisdiction pursuant to present law (Ch.C. Art. 305) and being held in a juvenile detention facility before trial shall be transferred to the appropriate adult facility for continued pretrial detention upon reaching the age of 18.

Present law (Ch.C. Art. 815) provides relative to the place of detention for a child taken into custody.

Proposed law retains present law.

Proposed law provides that if a juvenile detention center is not available, a juvenile 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 the activities for up to six hours, except that in nonmetropolitan areas, he may be held for up to 48 hours if all of the following occur:

- (1) The juvenile is accused of a nonstatus offense.
- (2) A continued custody hearing in accordance with Articles 820 and 821 is held within forty-eight hours after his arrest.
- (3) There is no acceptable alternative placement to the jail or lockup in which he is being held.
- (4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist that provide for sight and sound separation of the juvenile from adult offenders and the juvenile can be given continuous visual supervision while placed in the jail or lockup.

(Amends Ch.C. Art. 306(B)(intro. para.) and (2), (C), and (G); Adds Ch.C. Art. 815(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. 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.

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove present law language relative to rules for licensing standards in juvenile detention facilities.

3. Delete proposed law language from present law (Ch.C. Art. 305)(B)) that mandates the transfer of a child, upon reaching 18 years of age, to an adult facility for detention prior to his trial as an adult.
4. Change the length of time for the occurrence of the continued custody hearing for a child held in an adult jail or lockup in a nonmetropolitan area from 24 hours to 48 hours.
5. Relative to places of detention for a child who is subject to criminal jurisdiction pursuant to present law (Ch.C. Art. 305), remove the requirement that a governing authority with funding responsibility needs to object in order for a child to not be detained in a juvenile detention facility after reaching 18 years of age.
6. Relative to places of detention for a child who is subject to criminal jurisdiction pursuant to present law (Ch.C. Art. 305), require the transfer of a child to the appropriate adult facility for continued pretrial detention upon the child reaching 18 years of age.
7. Provide for the permissive detention of a juvenile in an adult jail or lockup for identification or processing procedures or while awaiting transportation for up to six hours, or up to 48 hours in nonmetropolitan areas, if certain conditions are met.