

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 357****2023 Regular Session****Huval**

JUVENILES: Creates the Acadiana Regional Juvenile Justice District

Synopsis of Senate Amendments

1. Make technical changes.
2. Authorize the juvenile facility to also be used to operate post-adjudication programming, including treatment and rehabilitation.

Digest of Bill as Finally Passed by Senate

Proposed law provides for the creation of the Acadiana Regional Juvenile Justice District as a political subdivision of the state. Further provides for territorial jurisdiction throughout the parishes of Acadia, Allen, Evangeline, Iberia, Jefferson Davis, St. Landry, St. Martin, St. Mary, and Vermilion.

Proposed law provides for definitions for the terms "board", "commission", "district", "facility", "governing authority", "lease-purchase contract", and "participating parish".

Proposed law provides that the domicile of the Acadiana Regional Juvenile District shall be the parish seat of the parish in which the juvenile justice facility is located unless changed by 2/3 vote of the membership of the board of commissioners of the Acadiana Regional Juvenile Justice District.

Proposed law provides for the creation of the Acadiana Regional Juvenile Justice District Commission to control, administer, and manage the affairs of the district.

Proposed law provides that the commission shall be composed of a board of 11 commissioners who shall be appointed as follows:

- (1) One commissioner, who shall be a qualified elector domiciled and residing within Acadia Parish, shall be jointly appointed by the chief judge and district attorney for the 15th Judicial District and the sheriff of Acadia Parish for an initial term of four years.
- (2) One commissioner, who shall be a qualified elector domiciled and residing in Allen Parish, shall be jointly appointed by the chief judge and district attorney for the 33rd Judicial District and the sheriff of Allen Parish for an initial term of four years.
- (3) One commissioner, who shall be a qualified elector domiciled and residing within Evangeline Parish, shall be jointly appointed by the chief judge and district attorney for the 13th Judicial District and the sheriff of Evangeline Parish for an initial term of four years.
- (4) One commissioner, who shall be a qualified elector domiciled and residing within Iberia Parish, shall be jointly appointed by the chief judge and district attorney of the 16th Judicial District and the sheriff of Iberia Parish for an initial term of four years.
- (5) One commissioner, who shall be a qualified elector domiciled and residing in Jefferson Davis Parish, shall be jointly appointed by the chief judge and district attorney for the 31st Judicial District and the sheriff of Jefferson Davis Parish for an initial term of four years.

- (6) One commissioner, who shall be a qualified elector domiciled and residing in St. Landry Parish, shall be jointly appointed by the chief judge and district attorney for the 27th Judicial District and the sheriff of St. Landry Parish for an initial term of four years.
- (7) One commissioner, who shall be a qualified elector domiciled and residing within St. Martin Parish, shall be jointly appointed by the chief judge and district attorney for the 16th Judicial District and the sheriff of St. Martin Parish for an initial term of four years.
- (8) One commissioner who shall be a qualified elector domiciled and residing in St. Mary Parish shall be jointly appointed by the chief judge and district attorney for the 16th Judicial District and the sheriff of St. Mary Parish for an initial term of four years.
- (9) One commissioner, who shall be a qualified elector domiciled and residing within Vermilion Parish, shall be jointly appointed by the chief judge and district attorney for the 15th Judicial District and the sheriff of Vermilion Parish for an initial term of four years.
- (10) One commissioner, who shall be a qualified elector domiciled and residing within the district, shall be jointly appointed by the parish presidents of the parishes included within the district and the presidents of the police juries in those parishes without home rule charters or parish presidents for an initial term of four years.
- (11) One commissioner, who shall be a qualified elector domiciled and residing within the district, shall be jointly appointed by the judges of the city courts within the district exercising juvenile jurisdiction for an initial term of four years.

Proposed law provides that following the expiration of the initial term of each commissioner, all subsequent appointments shall be for terms of four years. Further provides that the members of the board shall serve without salary or per diem, but the board may authorize a reasonable travel allowance for its members in the performance of their official duties.

Proposed law provides for the purpose of the commission. Further authorizes the board to enter into intergovernmental agreements or cooperative endeavor agreements with any other state, parish, or local agency, entity, or individual to provide for the establishment and maintenance of evidence-based or best practices juvenile services and programs, including but not limited to a district attorney's early intervention program.

Proposed law authorizes the board to expend any and all funds collected and to pay any and all negotiated costs and expenses for juvenile services and programs provided within the district or to other participating parishes.

Proposed law provides that the board of commissioners shall elect a chairman, a vice chairman, and a treasurer from among its members whose duties, in addition to those provided by proposed law, shall be established by the board.

Proposed law provides that the treasurer shall furnish bond in an amount and in accordance with the terms and conditions fixed by the board. Further provides that the board of commissioners may also appoint a person who may, but is not required to, be a member of the board to serve as the secretary.

Proposed law provides that the board shall fix a time and place for the holding of its regular meetings in at least every other calendar month. Further provides that additional regular or special meetings may be held upon the call of the chairman or of three of the commissioners, that all meetings of the board may be conducted at any location approved by the board, and that all meetings shall be governed by the provisions of present law (R.S. 42:11 et seq.).

Proposed law provides that a majority of the members of the board shall constitute a quorum. Further provides that a quorum shall be required to transact business and all actions and resolutions of the board shall be approved by a majority of the quorum present.

Proposed law provides that the board may purchase or otherwise acquire, construct, reconstruct, rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and administer or enter into contracts for the management, administration, and operation of a juvenile detention facility or facilities, shelter care facility or facilities, or such other juvenile justice facilities as are useful, necessary, expedient, or convenient to carry out the plans and purposes of the commission and for the orderly conduct of its business.

Proposed law provides that such facilities may include but are not limited to office facilities, parking facilities, diagnostic facilities, dormitories, residential units, administration and social service buildings, cafeteria buildings, gymnasium, educational and recreational buildings, and other similar facilities for delinquent, neglected, or abused children or children in need of care or supervision, as well as for employees, patrons, visitors, and relatives of children who may enter the juvenile justice system, or who are in need of care or supervision.

Proposed law provides that the commission may also lease, purchase, or acquire by donation or exchange any property, immovable or movable, tangible or intangible from any person, firm, or corporation, including the state and its agencies and political subdivisions.

Proposed law provides that the district may enter into a lease or lease-purchase contract with any state, parish or local agency or person, firm or corporation, public or private for the acquisition of a facility with a term not to exceed 30 years upon such terms and conditions as the board shall deem proper.

Proposed law provides that any such lease or lease-purchase contract need not be advertised and bid, and to that extent the district shall be exempt from the provisions of present law (Chapter 10 of Title 41 of the La. Revised Statutes of 1950). Further provides that the obligation to make payments under a lease or lease-purchase contract shall not constitute, give rise to, or be construed as an indebtedness within the meaning of any constitutional, statutory, or home rule charter debt limitation.

Proposed law provides that any such lease-purchase contract shall contain the following annual appropriation dependency clause:

"The continuation of this contract is contingent upon the continued appropriation of funds by the board to fulfill the requirements of the contract. If the board fails to appropriate sufficient monies, to provide for the continuation of the contract, or if such appropriation is reduced by any means provided in the appropriation resolution to prevent the total appropriations for the year from exceeding revenues for that year or for any other lawful purpose and the effect of such reduction is to provide insufficient funds for the continuation of the contract, the contract shall terminate on the date of the beginning of the first fiscal year for which funds are not appropriated."

Proposed law provides that the board may also take any of the following actions:

- (1) Authorize and approve upon such terms as it may deem advisable, contracts of employment for a superintendent or administrator and other necessary personnel for operating the facility and contracts for legal, financial, architectural, engineering, and other professional services necessary or expedient for the conduct of its affairs.
- (2) Adopt rules and regulations for the operation and maintenance of the facility.
- (3) Accept available federal, state, or other public or private funds allocated for the purpose of establishing, improving, operating, or maintaining the facility.
- (4) Cooperate with juvenile or other courts and public agencies within the district or in

other participating parishes.

- (5) Generally, do all things lawful and proper to provide temporary, custodial care, supervision, and education of juveniles.
- (6) Perform any function and exercise any power necessary, proper, or requisite for the administration and management of its affairs.

Proposed law provides that the board, in the exercise of its powers to administer, control, and manage the affairs of the district, may incur debt and issue bonds, and it may levy taxes in the manner provided in proposed law and pursuant to present constitution (Art. VI, Sec. 30 and 32) and any other constitutional or statutory authority.

Proposed law provides that the commission, in order to obtain the necessary funds to carry out its purposes, duties and responsibilities, and in order to acquire, construct, maintain and operate a juvenile facility or facilities and related services throughout the district, may incur debt and issue general obligation bonds within the limitations prescribed in present constitution (Art. VI, Sec. 33) and any other applicable constitutional or statutory authority, but only when authorized by a majority of the electors in the district who vote thereon in an elections held for that purpose in accordance with laws governing such elections.

Proposed law provides that the facility shall be used for the temporary detention of the following:

- (1) Children under the age of 18 years.
- (2) Individuals 18 years of age and older who were under 18 years of age when they committed an alleged offense from the parishes within the district while awaiting trial or other disposition of their cases.
- (3) Runaways from parishes within the district.
- (4) Those awaiting transfer to Dept. of Public Safety and Corrections or the office of juvenile justice.
- (5) Any other purpose or use provided in proposed law or any other constitutional or statutory law.

Proposed law provides that the facility may also be used to operate post-adjudication programming, including treatment and rehabilitation.

Proposed law provides that, subject to the approval of the commission, juveniles from parishes outside of the district may be accepted for housing and care in accordance with rules and regulations adopted by the board and pursuant to a participation agreement between the district and the governing authority of the participating parishes, but only upon agreement of the participating parish to pay the charges established for the sublease of space in the facility and for the care and maintenance of each such juvenile.

Proposed law provides that the members of the board of commissioners of the Acadiana Regional Juvenile Justice District shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused, connected to, or arising out of any actual or alleged act, error, or omission that occurred within the course and scope of their actions, duties, or responsibilities for or on behalf of the district or commission.

Proposed law further provides that nothing in proposed law shall be construed to protect any such person from suit or liability for any damage, injury, liability, or loss caused by the intentional or willful and wanton misconduct of any such person. Further provides that the immunity provided by proposed law is in addition to any other immunity provided by law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:1109-1109.7)