

2024 Second Extraordinary Session

SENATE BILL NO. 4

BY SENATOR CLOUD AND REPRESENTATIVE CREWS

JUVENILE JUSTICE. Provides relative to disposition of a juvenile after adjudication of certain felony-grade delinquent acts. (3/1/24) (Item #11)

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AN ACT

To amend and reenact Children's Code Art. 897.1(B), (C), and (D), relative the sentencing of a juvenile after adjudication for certain offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 897.1(B), (C), and (D) are hereby amended and reenacted to read as follows:

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

* * *

B. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:42, first degree rape, or R.S. 14:44, aggravated kidnapping, the court shall commit the child who is fourteen years or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement until the child attains the age of twenty-one years without benefit of probation, ~~or~~ suspension of imposition or execution of sentence, **or modification of sentence.**

C. ~~After~~ **Except as provided in Paragraph B of this Article,**

1 after adjudication of a felony-grade delinquent act based upon a ~~violation of R.S.~~
2 ~~14:64, armed robbery, or R.S. 14:64.2, carjacking,~~ **an offense that is a crime of**
3 **violence, as defined in R.S. 14:2(B)**, the court shall commit the child who is
4 fourteen years of age or older at the time of the commission of the offense to the
5 custody of the Department of Public Safety and Corrections to be confined in secure
6 placement without benefit of probation or suspension of imposition or execution of
7 sentence.

8 D. Juveniles **confined** in secure ~~care~~ **placement** for an adjudication ~~for a~~
9 ~~violation of R.S. 14:42 or 44 shall be eligible for modification after serving thirty-six~~
10 ~~months of the disposition. Juveniles in secure care for an adjudication for a violation~~
11 ~~of R.S. 14:64 or 64.2~~ **as set forth in Paragraph C of this Section** shall be eligible
12 for modification after serving thirty-six months of the disposition or, if the
13 disposition is less than thirty-six months, two-thirds of the disposition.

14 * * *

15 Section 2. This Act shall become effective on March 1, 2024.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 4 Original

2024 Second Extraordinary Session

Cloud

Present law allows a court to modify the sentence of a juvenile, who was 14 or older when he committed felony grade first degree rape or aggravated kidnapping, prior to him being remanded to state custody.

Present law further requires a juvenile, who was 14 or older when he committed either armed robbery or carjacking, but not other crimes of violence, to be sentenced without benefit of probation or receiving a suspended or delayed execution of sentence.

Proposed law prohibits a court from modifying the sentence of a juvenile, who was 14 or older when he committed a crime of violence, prior to him serving either a minimum of 36 months or 2/3 of his sentence, if sentenced to less than 36 months.

Proposed law otherwise retains present law.

Effective March 1, 2024.

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