

2024 Regular Session

HOUSE BILL NO. 203

BY REPRESENTATIVE VILLIO

JUVENILE PROCEDURE: (Constitutional Amendment) Provides relative to offenses to which special juvenile procedures are not applicable

1 A JOINT RESOLUTION
2 Proposing to amend Article V, Section 19 of the Constitution of Louisiana, relative to
3 special juvenile proceedings; to provide relative to offenses committed by juveniles;
4 to allow adult prosecution for offenses provided by law; to provide for submission
5 of the proposed amendment to the electors; and to provide for related matters.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7 elected to each house concurring, that there shall be submitted to the electors of the state of
8 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
9 amend Article V, Section 19 of the Constitution of Louisiana, to read as follows:

10 §19. Special Juvenile Procedures

11 Section 19. The determination of guilt or innocence, the detention, and the
12 custody of a person who is alleged to have committed a crime prior to his
13 seventeenth birthday shall be pursuant to special juvenile procedures which shall be
14 provided by law. However, the legislature may (1) by a two-thirds vote of the
15 elected members of each house provide that special juvenile procedures shall not
16 apply to juveniles arrested for ~~having committed first or second degree murder,~~
17 ~~manslaughter, aggravated rape, armed robbery, aggravated burglary, aggravated~~
18 ~~kidnapping, attempted first degree murder, attempted second degree murder, forcible~~
19 ~~rape, simple rape, second degree kidnapping, a second or subsequent aggravated~~
20 ~~battery, a second or subsequent aggravated burglary, a second or subsequent offense~~

1 ~~of burglary of an inhabited dwelling, or a second or subsequent felony-grade~~
 2 ~~violation of Part X or X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes~~
 3 ~~of 1950, involving the manufacture, distribution, or possession with intent to~~
 4 ~~distribute controlled dangerous substances~~ any crime provided by law, and (2) by
 5 two-thirds vote of the elected members of each house lower the maximum ages of
 6 persons to whom juvenile procedures shall apply, and (3) by two-thirds vote of the
 7 elected members of each house establish a procedure by which the court of original
 8 jurisdiction may waive special juvenile procedures in order that adult procedures
 9 shall apply in individual cases. The legislature, by a majority of the elected members
 10 of each house, shall make special provisions for detention and custody of juveniles
 11 who are subject to the jurisdiction of the district court pending determination of guilt
 12 or innocence.

13 Section 2. Be it further resolved that this proposed amendment shall be submitted
 14 to the electors of the state of Louisiana at the statewide election to be held on November 5,
 15 2024.

16 Section 3. Be it further resolved that on the official ballot to be used at the election,
 17 there shall be printed a proposition, upon which the electors of the state shall be permitted
 18 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 19 follows:

20 Do you support an amendment to allow any crime provided by law
 21 committed by a juvenile to be transferrable for adult prosecution? (Amends
 22 Article V, Section 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 203 Original

2024 Regular Session

Villio

Abstract: Provides for offenses where special juvenile procedures are not applicable.

Present constitution allows for the determination of guilt or innocence, the detention, and the custody of a juvenile pursuant to special juvenile procedures, except where the legislature has by two-thirds vote indicated certain crimes do not require special juvenile procedures.

Present constitution further provides that special juvenile procedures shall not apply to juveniles arrested for having committed the following offenses:

- (1) First or second degree murder.
- (2) Manslaughter.
- (3) Aggravated rape.
- (4) Armed robbery.
- (5) Aggravated burglary.
- (6) Aggravated kidnapping.
- (7) Attempted first degree murder.
- (8) Attempted second degree murder.
- (9) Forcible rape.
- (10) Simple rape.
- (11) Second degree kidnapping.
- (12) A second or subsequent aggravated battery.
- (13) A second or subsequent aggravated burglary.
- (14) A second or subsequent offense of burglary of an inhabited dwelling.
- (15) A second or subsequent felony-grade violation of present law (Part X or X-B of Ch. 4 of Title 40 of the La. Revised Statutes of 1950), involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances.

Proposed constitutional amendment removes these offenses and provides that the legislature may by a two-thirds vote of the elected members of each house provide that special juvenile procedures shall not apply to juveniles arrested for any crime provided by law.

Proposed constitutional amendment provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 5, 2024.

(Amends Const. Art. V, Section 19)