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## DIGEST

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HB 210 Original

2024 Regular Session

Villio

**Abstract:** Provides relative to juvenile court jurisdiction for certain offenses committed by juveniles.

Present law (Ch.C. Art. 305(A)) provides that when a child is 15 years of age or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping, the child is subject to the exclusive jurisdiction of the juvenile court until either:

- (1) An indictment charging one of these present law offenses is returned.
- (2) The juvenile court holds a continued custody hearing pursuant to present law (Ch.C. Arts. 819 and 820) and finds probable cause that he committed one of these offenses, whichever occurs first.

Proposed law amends present law to provide that a child who is 15 years of age or older at the time of the commission of any crime punishable by life imprisonment is subject to the exclusive jurisdiction of the juvenile court until either:

- (1) An indictment charging any crime punishable by life imprisonment is returned.
- (2) The juvenile court holds a continued custody hearing pursuant to present law (Ch.C. Arts. 819 and 820) and finds probable cause that he committed any crime punishable by life imprisonment, whichever occurs first.

Present law (Ch.C. Art. 305(B)(2)) provides for a list of offenses that, at the time of commission, subject a child of 15 years of age or older to the exclusive jurisdiction of the juvenile court until certain divesting events occur first. Present law further provides for these offenses as follows:

- (1) Attempted first degree murder.
- (2) Attempted second degree murder.
- (3) Manslaughter.
- (4) Armed robbery.

- (5) Aggravated burglary.
- (6) Forcible or second degree rape.
- (7) Simple or third degree rape.
- (8) Second degree kidnapping.
- (9) Aggravated battery committed with a firearm.
- (10) A second or subsequent aggravated battery.
- (11) A second or subsequent aggravated burglary.
- (12) A second or subsequent offense of burglary of an inhabited dwelling.
- (13) 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 law changes these offenses as follows:

- (1) Any crime of violence or attempted crime of violence defined in present law (R.S. 14:2(B)) punishable by a maximum sentence of 20 years imprisonment or more.
- (2) Any crime which has as an element the death of a human being punishable by a maximum sentence of 20 years imprisonment or more.
- (3) Aggravated escape or attempted aggravated escape, simple escape or attempted simple escape, or any crime of violence or attempted crime of violence defined in present law (R.S. 14:2(B)) committed while in custody of the office of juvenile justice.

Proposed law provides that in determining under present law whether a child will be transferred to the appropriate adult facility for detention prior to trial as an adult, the appropriate court exercising criminal jurisdiction shall consider all of the following:

- (1) The age of the child.
- (2) The physical and mental maturity of the child.
- (3) The present mental state of the child, including whether the child presents an imminent risk of harm to himself.
- (4) The nature and circumstances of the alleged offense.

- (5) The child's history of prior delinquent acts.
- (6) The relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the child but also to protect the safety of the public as well as other detained youth.
- (7) Any other relevant factors.

Present law (Ch.C. Art. 857(C)) provides that an adult who is charged with an offense committed at the time he was a child for which the time limitation for the institution of prosecution pursuant to present law (C.Cr.P. Art. 571) has not lapsed and for which he was subject to prosecution as an adult due to his age at the time the offense was committed shall be prosecuted as an adult in the appropriate court exercising criminal jurisdiction.

Proposed law amends present law to include all offenses contained in present law (C.Cr.P.) for which the time limitation for the institution of prosecution has not lapsed and for which the adult was not subject to prosecution as an adult due to his age at the time the offense was committed shall be prosecuted as an adult.

Proposed law shall become effective on Jan. 1, 2025, if the amendment of present constitution (Const. Art. V, §19) contained in the Act which originated as HB No. \_\_\_ of the 2024 R.S. is adopted at a statewide election and becomes effective.

(Amends Ch.C. Arts. 305(A)(1) and (B)(2) and 857(C); Adds Ch.C. Art. 305(F))