
 DIGEST

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SB 324 Reengrossed

2016 Regular Session

Morrell

Present law provides that a child age 15 or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping, is subject to the exclusive jurisdiction of the juvenile court until either:

- (a) An indictment charging one of these offenses is returned.
- (b) The juvenile court holds a continued custody hearing and finds probable cause that he committed one of these offenses, whichever occurs first. Provides that during the hearing, when the child is charged with aggravated or first degree rape, the court is to inform him that if convicted he will be required to register as a sex offender for life.

Present law provides that thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and requires that the child be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult.

Proposed law retains present law provisions but allows the court discretion as to whether to transfer the child to an adult facility for detention prior to trial as an adult. However, provides that a child who is subject to criminal jurisdiction as an adult 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 the detention.

Present law defines a "child", for purposes of delinquency, to be any person under the age of 21, including an emancipated minor, who commits a delinquent act before attaining the age of 17.

Proposed law retains present law, except it provides that after June 30, 2018, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2018, when the act is not a crime of violence and occurs before the person attains 18 years of age. Further provides that after June 30, 2020, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains 18 years of age.

Proposed law creates the Louisiana Juvenile Jurisdiction Planning and Implementation Committee as a committee of the Juvenile Justice Reform Act Implementation Commission and provides for the committee to have the following authority, duties and responsibilities:

- (1) Prior to Jan. 1, 2017, to develop and submit to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives a plan for full implementation of the provisions of proposed law. Requires the plan to include recommendations for changes required in the juvenile justice system to expand jurisdiction to include persons 17 years of age. Provides that the plan may include:
 - (a) The development of programs and policies that can safely reduce the number of youth in the juvenile justice system, including expanded use of diversion where appropriate; development and use of civil citation programs; use of evidence-based and promising services wherever possible; and reinvestment programs targeting the expanded use of community-based alternatives to secure, nonsecure, and pre-disposition custody.

- (b) The development of comprehensive projections to determine the long-term distribution of placement capacity for youth in the juvenile justice system.
 - (c) An analysis of the impact of the expansion of juvenile jurisdiction to persons 17 years of age on state agencies and a determination of which state agencies shall be responsible for providing relevant services to juveniles, including but not limited to mental health and substance abuse services, housing, education and employment.
- (2) No later than April 1, 2017, and quarterly thereafter, to submit a written status report to the commissioner of administration, the president of the Senate, and the speaker of the House of Representatives on implementation of its plan.
 - (3) To have such powers, authority and prerogatives as that provided in present law for the Juvenile Justice Reform Act Implementation Commission.

Proposed law provides for the membership of the committee and requires appointments to the committee to be made by Sept. 1, 2016. Provides that the executive director of the governor's Children's Cabinet shall serve as chair and call the first meeting by Oct. 1, 2016. Provides that the members serve without compensation except the compensation to which they may be individually entitled as a member or employee of their respective organization or agency. Provides a majority of membership constitutes a quorum and any official action of the committee requires an affirmative vote of a majority of the quorum present and voting. Provides that the committee terminates on Dec. 31, 2020.

Directs the Louisiana State Law Institute to study and to recommend to the legislature by March 1, 2017, other amendments and additions to the law as may be appropriate to effectuate the purpose of including 17-year olds in the juvenile justice system.

Requests the Louisiana Judicial Council to study and recommend to the Supreme Court amendments to Louisiana's Rules of Court as appropriate to effectuate the purpose of including 17-year olds in the juvenile justice system.

Directs the Dept. of Children and Family Services to study and to recommend new or amended rules as appropriate for the safe operation of the state's juvenile detention centers with the inclusion of 17-year olds in the juvenile justice system.

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

(Amends Ch.C. Arts. 305(A)(2), 306(D), and 804(1); Adds R.S. 15:1441-1442 and Ch.C. Art. 306(G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

- 1. Deletes provisions relative to legislative findings and declarations.
- 2. Adds the following to the membership of the committee: the vice president for Administration and Management at Southern University; the executive director of the governor's Children's Cabinet; a representative of the Police Jury Association of Louisiana; a representative appointed by the Louisiana District Attorneys Association; and an attorney appointed by the Louisiana District Attorneys Association that is an expert in juvenile prosecution.
- 3. Changes chair of committee from commissioner of administration to executive director of governor's Children's Cabinet.
- 4. Adds changes to proposed law definition of "child" for purposes of juvenile justice matters from below the age of 18 effective immediately to a two-step progression over the next four years.

5. Adds authority for a local governing authority with funding responsibility for a juvenile detention facility to object to detention of a child over the age of 18 in such juvenile detention facility in certain circumstances.
6. Makes technical changes.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Removes the authority of the judge with criminal jurisdiction to order a child be detained in a juvenile detention facility when the governing authority with funding responsibility objects to the detention.
2. Technical amendments.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Make technical corrections.