

2017 Regular Session

HOUSE BILL NO. 44

BY REPRESENTATIVES JENKINS, BACALA, BOUIE, CARMODY, CARPENTER,  
GARY CARTER, GAROFALO, HALL, JIMMY HARRIS, HORTON, HUNTER,  
JEFFERSON, LYONS, MAGEE, MARCELLE, NORTON, RICHARD, SMITH,  
AND STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUVENILES/JURISDICTION: Provides relative to district court's and juvenile court's  
jurisdiction over adults in criminal proceedings

1 AN ACT

2 To amend and reenact Children's Code Article 312(A) and (B), relative to juvenile court  
3 jurisdiction over adults; to provide relative to juvenile court jurisdiction over adults  
4 in certain criminal proceedings; to provide relative to the exceptions to such  
5 jurisdiction; to provide for jurisdiction over adults in criminal proceedings involving  
6 certain offenses against children; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 312(A) and (B) are hereby amended and  
9 reenacted to read as follows:

10 Art. 312. Juvenile jurisdiction over adults; criminal proceedings

11 \* \* \*

12 A. ~~Except as provided in Paragraph B of this Article, a~~ A court exercising  
13 juvenile jurisdiction shall have exclusive original jurisdiction, in conformity with any  
14 special rules prescribed by law, to try an adult for the following offenses:

15 (1) ~~The crime of contributing to the delinquency of children as authorized~~  
16 ~~by R.S. 14:92, except R.S. 14:92(A)(7).~~

17 (2) The crime of contributing to the delinquency or dependency of children  
18 as authorized by R.S. 14:92.1.



- (3) Any other misdemeanor enacted for the protection of the physical, moral, or mental well-being of children.
- (4) Criminal neglect of family.
- (5) The crime of improper supervision of a minor by parent or legal custodian (R.S. 14:92.2).

Present law provides that if the defendant in any of these cases is entitled to trial by jury and does not waive that right, the court shall transfer the case to its criminal docket or to the appropriate court having criminal jurisdiction.

Present law also provides for the following exceptions relative to the juvenile court's jurisdiction over adults in cases defined in items (1) and (3) above:

- (1) In East Baton Rouge Parish and Jefferson Parish, original jurisdiction is vested in the district court.
- (2) In Orleans Parish, original jurisdiction is vested in the criminal district court for that parish or the Municipal and Traffic Court of New Orleans.

Proposed law vests courts with juvenile jurisdiction over adults charged with items (2), (4), and (5) above and all district courts in the state with jurisdiction to try an adult for the following present law offenses, except in Orleans Parish:

- (1) The crime of contributing to the delinquency of children (R.S. 14:92).
- (2) Any other misdemeanor enacted for the protection of the physical, moral, or mental well-being of children.

(Amends Ch.C. Art. 312(A) and (B))

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Remove the proposed provision giving a district court jurisdiction to try an adult for the present law offenses of the crime of contributing to the delinquency of children (R.S. 14:92) or any other misdemeanor enacted for the protection of the physical, moral, or mental well-being of children with a population of 250,000 or more which includes East Baton Rouge, Jefferson, and Caddo parishes.
2. Gives all district courts in all parishes, except in Orleans Parish, the jurisdiction to try an adult for the present law offenses of the crime of contributing to the delinquency of children (R.S. 14:92) or any other misdemeanor enacted for the protection of the physical, moral, or mental well-being of children.