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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

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DIGEST

SB 102 Original

2018 Regular Session

Morrell

Present law provides that upon commitment of a juvenile to Department of Public Safety and Corrections (DPSC), DPSC has sole custody of the child and the child's care, placement, and treatment.

Present law requires DPSC to comply with any modifications made to a child's disposition while in its custody and prohibits DPSC from modifying the dispositions of juveniles adjudicated for first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery.

Proposed law retains present law compliance requirement, but allows modification of dispositions for first degree rape, aggravated kidnapping, and armed robbery.

Present law provides that in cases involving certain felony-grade delinquent acts, the public policy of the state is that commitment of a juvenile to DPSC without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence is necessary because of the serious nature of the offenses.

Proposed law provides that public policy of the state is that commitment of a juvenile to DPSC is not punitive nor a penal sentence, but a step toward rehabilitation and recommendations from DPSC should be given careful consideration by the court.

Present law provides that a child 14 years of age or older adjudicated for first degree murder, second degree murder, first degree rape, or aggravated kidnapping shall be committed to DPSC in secure placement until reaching the age of 21 without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

Proposed law provides that a child 14 years of age or older adjudicated for first degree murder or second degree murder shall be committed to DPSC in secure placement until reaching the age of 21 without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

Proposed law further provides that a child 14 years of age or older adjudicated for first degree rape or aggravated kidnapping shall be committed to DPSC in secure placement until reaching the age of 21 with eligibility for parole or modification of sentence, but without benefit of probation or suspension of imposition or execution of sentence.

Present law provides that a child 14 years or age or older adjudicated for armed robbery shall be committed to DPSC in secure placement for the length of the term imposed by the court at the disposition hearing without benefit of parole, probation, suspension of imposition or execution of

sentence, or modification of sentence.

Proposed law provides that a child 14 years of age or older adjudicated for armed robbery shall be committed to DPSC in secure placement with eligibility for parole or modification of sentence, without benefit of probation or suspension of imposition or execution of sentence.

Proposed law provides that the provisions of proposed law regarding disposition after adjudication of certain felony-grade offenses shall apply to all children in the custody of DPSC on or after August 1, 2018.

Present law provides that the general disposition guidelines for juveniles do not apply when a child has been adjudicated a delinquent for first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery.

Proposed law provides that only the following general disposition guidelines do not apply when a child has been adjudicated a delinquent for first degree murder, second degree murder, first degree rape, aggravated kidnapping, or armed robbery:

- (1) The court impose the least restrictive disposition if it is consistent with the circumstances of the case, the needs of the child, and the best interest of society.
- (2) The court consider and accord weight to certain grounds in determining suspension of the disposition or probation.

Proposed law makes technical changes.

Effective August 1, 2018.

(Amends R.S. 15:901(D)(1) and 906, Ch.C. Arts 116(intro para) and 116(24.2), 801, 897.1, 901(B), (D)(intro para), (E), and (F); adds Ch.C. Art. 897.1(D) and (E); repeals Ch.C. Art. 901(G))