

2018 Regular Session

HOUSE BILL NO. 486

BY REPRESENTATIVE SHADOIN

JUVENILE PROCEDURE: Provides relative to juvenile court jurisdiction

1 AN ACT

2 To amend and reenact Children's Code Article 804(1), relative to juvenile jurisdiction; to
3 amend the definition of "child" for purposes of delinquency proceedings; to provide
4 relative to juvenile court jurisdiction over delinquent acts committed by seventeen-
5 year-olds; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Article 804(1) is hereby amended and reenacted to read
8 as follows:

9 Art. 804. Definitions

10 As used in this Title:

11 (1)(a) "Child" means any person under the age of twenty-one, including an
12 emancipated minor, who commits a delinquent act before attaining seventeen years
13 of age.

14 (b) ~~After June 30, 2018, "child" means any person under the age of twenty-~~
15 ~~one, including an emancipated minor, who commits a delinquent act on or after July~~
16 ~~1, 2018, when the act is not a crime of violence as defined in R.S. 14:2, and occurs~~
17 ~~before the person attains eighteen years of age.~~

18 ~~(c)~~(i) After June 30, ~~2020~~ 2019, "child" means any person under the age of
19 twenty-one, including an emancipated minor, who commits a delinquent act on or
20 after July 1, ~~2020~~ 2019, and before the person attains eighteen years of age, if the

1 Department of Public Safety and Corrections, office of juvenile justice certifies on
2 or before January 1, 2019, that there are adequate funding and resources available
3 to accommodate the projected increase in caseload.

4 (ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained
5 the age of seventeen shall be subject to criminal jurisdiction pursuant to Article 305
6 or 857.

7 * * *

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)]

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Abstract: Provides that the extension of juvenile court jurisdiction to cover delinquent acts committed by 17-year-olds shall occur after June 30, 2019, if the office of juvenile justice certifies that there is adequate funding and resources available.

Present law provides that juvenile court jurisdiction applies to delinquent acts committed by a person under the age of 17.

Present law further provides as follows:

- (1) Beginning July 1, 2018, juvenile court jurisdiction shall extend to cover delinquent acts committed by a 17-year-old if the act is not a crime of violence.
- (2) Beginning July 1, 2020, juvenile court jurisdiction shall extend to cover all delinquent acts committed by a 17-year-old.

Proposed law amends present law to provide that the extension of juvenile court jurisdiction pursuant to present law will not take effect on July 1, 2018, but instead provides that the extension of juvenile court jurisdiction to cover all delinquent acts committed by a 17-year-old shall occur on July 1, 2019, if the office of juvenile justice certifies on or before Jan. 1, 2019, that there is adequate funding and resources available to accommodate the projected increase in caseload.

(Amends Ch.C. Art. 804(1))

Summary of Amendments Adopted by House

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

- 1. Change the date for the implementation of proposed law from 2020 to 2019.