

2020 Regular Session

HOUSE BILL NO. 139

BY REPRESENTATIVE MARINO

JUVENILE PROCEDURE: (Constitutional Amendment) Adds aggravated battery committed with a firearm to the list of crimes for which special juvenile procedures are not required

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A JOINT RESOLUTION

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Proposing to amend Article V, Section 19 of the Constitution of Louisiana, relative to

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special juvenile procedures; to add aggravated battery committed with a firearm to

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the list of crimes for which the legislature is authorized to provide that special

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juvenile procedures do not apply; to provide for submission of the proposed

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amendment to the electors; and to provide for related matters.

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Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

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elected to each house concurring, that there shall be submitted to the electors of the state of

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Louisiana, for their approval or rejection in the manner provided by law, a proposal to

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amend Article V, Section 19 of the Constitution of Louisiana, to read as follows:

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§19. Special Juvenile Procedures

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Section 19. The determination of guilt or innocence, the detention, and the

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custody of a person who is alleged to have committed a crime prior to his

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seventeenth birthday shall be pursuant to special juvenile procedures which shall be

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provided by law. However, the legislature may (1) by a two-thirds vote of the

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elected members of each house provide that special juvenile procedures shall not

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apply to juveniles arrested for having committed first or second degree murder,

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manslaughter, aggravated rape, armed robbery, aggravated burglary, aggravated

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kidnapping, attempted first degree murder, attempted second degree murder, forcible

1 rape, simple rape, second degree kidnapping, aggravated battery committed with a
2 firearm, a second or subsequent aggravated battery, a second or subsequent
3 aggravated burglary, a second or subsequent offense of burglary of an inhabited
4 dwelling, or a second or subsequent felony-grade violation of Part X or X-B of
5 Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, involving the
6 manufacture, distribution, or possession with intent to distribute controlled
7 dangerous substances, and (2) by two-thirds vote of the elected members of each
8 house lower the maximum ages of persons to whom juvenile procedures shall apply,
9 and (3) by two-thirds vote of the elected members of each house establish a
10 procedure by which the court of original jurisdiction may waive special juvenile
11 procedures in order that adult procedures shall apply in individual cases. The
12 legislature, by a majority of the elected members of each house, shall make special
13 provisions for detention and custody of juveniles who are subject to the jurisdiction
14 of the district court pending determination of guilt or innocence.

15 Section 2. Be it further resolved that this proposed amendment shall be submitted
16 to the electors of the state of Louisiana at the statewide election to be held on November 3,
17 2020.

18 Section 3. Be it further resolved that on the official ballot to be used at the election,
19 there shall be printed a proposition, upon which the electors of the state shall be permitted
20 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
21 follows:

22 Do you support an amendment authorizing the legislature to allow juveniles
23 to be prosecuted as adults for the crime of aggravated battery committed with
24 a firearm? (Amends Article V, Section 19)

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)]

HB 139 Original

2020 Regular Session

Marino

Abstract: Adds aggravated battery committed with a firearm to the list of crimes for which the legislature is authorized to provide that special juvenile procedures do not apply.

Present constitution provides that the determination of guilt or innocence, the detention, and the custody of a person who is alleged to have committed a crime prior to his 17th birthday shall be pursuant to special juvenile procedures which shall be provided by law.

Present constitution further authorizes the legislature to provide, by two-thirds vote of the elected members of each house, that special juvenile procedures shall not apply to juveniles arrested for having committed certain offenses including but not limited to first degree murder, second degree murder, a second or subsequent offense aggravated battery, or a second or subsequent offense of aggravated burglary.

Proposed constitution amends the present constitution to add aggravated battery committed with a firearm to the list of offenses for which the legislature is authorized to provide, by two-thirds vote of the elected members of each house, that special juvenile procedures do not apply.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 3, 2020.

(Amends Const. Art. V, §19)