

2020 Regular Session

HOUSE BILL NO. 250

BY REPRESENTATIVE HILFERTY

JUVENILES/JURISDICTION: Provides relative to the prosecution of certain juveniles in adult criminal court for offenses involving a firearm

1 AN ACT

2 To enact Children's Code Article 305(B)(2)(i), relative to jurisdiction over certain juvenile
3 offenders; to provide relative to the divestiture of juvenile court jurisdiction under
4 certain circumstances; to provide relative to jurisdiction over cases involving the
5 commission of an offense by a person who is in possession of a firearm; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 305(B)(2)(i) is hereby enacted to read as follows:

9 Art. 305. Divestiture of juvenile court jurisdiction; original criminal court
10 jurisdiction over children

11 * * *

12 B.

13 * * *

14 (2)

15 * * *

16 (i) Any offense committed by a child who is seventeen years of age at the
17 time of the commission of the offense and who is in possession of a firearm while
18 committing the offense.

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 250 Original

2020 Regular Session

Hilferty

Abstract: Adds offenses committed by a 17-year-old while in possession of a firearm to the list of offenses for which the district attorney may choose to prosecute in criminal court.

Present law (Ch.C. Art. 804) provides that beginning July 1, 2020, juvenile court jurisdiction applies to delinquent acts committed by a person under the age of 18.

Present law (Ch.C. Art. 305(B)) provides that if the child is 15 years of age or older at the time of the commission of any of the following offenses the district attorney may either file a petition in juvenile court or obtain an indictment or file a bill of information to prosecute the child as an adult in criminal court: attempted first degree murder; attempted second degree murder; manslaughter; armed robbery; aggravated burglary; forcible or second degree rape; simple or third degree rape; second degree kidnapping; aggravated battery committed with a firearm; a second or subsequent aggravated battery; a second or subsequent aggravated burglary; a second or subsequent offense of burglary of an inhabited dwelling; a second or subsequent felony-grade violation of the Uniform Controlled Dangerous Substances Law involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances.

Proposed law retains present law and adds any offense committed by a child who is 17 years of age at the time of the commission of the offense and who is in possession of a firearm while committing the offense to the list of offenses for which the district attorney may either file a petition in juvenile court or obtain an indictment or file a bill of information to prosecute the child as an adult in criminal court.

(Adds Ch.C. Art. 305(B)(2)(i))