

2022 Regular Session

HOUSE BILL NO. 764

BY REPRESENTATIVE DUSTIN MILLER

JUVENILES/DETENTION FAC: Provides relative to juvenile detention facilities

1 AN ACT

2 To enact Children's Code Article 822(D), relative to the continued custody of juveniles; to
3 provide relative to the continued custody of juveniles prior to adjudication in St.
4 Landry Parish; to provide for applicability; and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Article 822(D) is hereby enacted to read as follows:

10 Art. 822. Place of continued custody prior to adjudication

11 * * *

12 D.(1) Notwithstanding Subsection C of this Article, if the crime which the
13 child is alleged to be delinquent is a crime of violence as provided in R.S. 14:2(B)
14 or an attempt to commit a crime of violence as provided in R.S. 14:2(B), the court
15 may, after an attempt has been made and denied to house the child in a state juvenile
16 detention center, place the child in an adult jail or lockup within the state.

17 (2) The sheriff or facility administrator shall certify that the facility does not
18 contain any adult offenders and that the sheriff or facility administrator is able to
19 provide continuous visual supervision of the child while the child is held in such
20 facility.

1 (3) The provisions of this Subsection shall only apply to children in
2 continued custody prior to adjudication in St. Landry Parish.

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 764 Original

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Dustin Miller

Abstract: Provides that an alleged delinquent child in St. Landry Parish may be placed in an adult jail when certain conditions are met.

Present law allows the court to order continued custody of an alleged delinquent child in a licensed facility for juveniles, a private home subject to the supervision of the court, or in a juvenile detention center.

Present law prohibits placement of the child in the custody of either the Dept. of Children and Family Services or the Dept. of Public Safety and Corrections prior to adjudication.

Present law further prohibits placement of the child in an adult jail or lockup.

Proposed law retains present law and provides that if the crime which the child is alleged to be delinquent is a crime of violence as provided in present law (R.S. 14:2(B)) or an attempt to commit a crime of violence as provided present law, the court may, after an attempt has been made and denied to house the child in a state juvenile detention center, place the child in an adult jail or lockup within the state.

Proposed law provide that the sheriff or facility administrator shall certify that the facility does not contain any adult offenders and that the sheriff or facility administrator is able to provide continuous visual supervision of the child while the child is held in such facility.

Proposed law provides that the provisions of proposed law shall only apply to children in continued custody prior to adjudication in St. Landry Parish.

(Adds Ch.C. Art. 822(D))