

2022 Regular Session

SENATE BILL NO. 71

BY SENATOR CONNICK

JUVENILES. Provides relative to the district attorney's discretion to prosecute a juvenile as an adult for certain offenses. (8/1/22)

1 AN ACT

2 To amend and reenact Children's Code Art. 305(A)(2) and (B)(3) and to enact Children's
3 Code Art. 305(A)(3), relative to criminal court jurisdiction over children; to provide
4 relative to the divestiture of the juvenile court's jurisdiction over serious crimes
5 committed by juveniles; to provide relative to the district attorney's discretion to
6 prosecute a juvenile as an adult for certain offenses; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Art. 305(A)(2) and (B)(3) are hereby amended and
10 reenacted and Children's Code Art. 305(A)(3) is hereby enacted to read as follows:

11 Art. 305. Divestiture of juvenile court jurisdiction; original criminal court
12 jurisdiction over children

13 A. * * *

14 (2) The district attorney shall have the discretion to file a petition
15 alleging any of the offenses listed in Subparagraph (1) of this Paragraph in the
16 juvenile court or, alternatively, to obtain an indictment. If the child is being held
17 in detention, the district attorney shall file the petition or indictment in the

1 **appropriate court within thirty calendar days after the child's arrest, unless the**
2 **child waives this right.**

3 (3) Thereafter, **if an indictment is returned,** the child is subject to the
4 exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all
5 subsequent procedures, including the review of bail applications, and the court
6 exercising criminal jurisdiction may order that the child be transferred to the
7 appropriate adult facility for detention prior to his trial as an adult. **If the district**
8 **attorney elects to file a petition and the child waives the right to a continued**
9 **custody hearing, the child is subject to the exclusive jurisdiction of the juvenile**
10 **court for all subsequent procedures, including the review of bail applications.**

11 B. * * *

12 (3) The district attorney shall have the discretion to file a petition alleging
13 any of the offenses listed in Subparagraph (2) of this Paragraph in the juvenile court
14 or, alternatively, to obtain an indictment or file a bill of information. If the child is
15 being held in detention, the district attorney shall ~~make his election and~~ file the
16 indictment, bill of information, or petition in the appropriate court within thirty
17 calendar days after the child's arrest, unless the child waives this right.

18 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 71 Engrossed

2022 Regular Session

Connick

Present law provides for the divestiture of the juvenile court's jurisdiction over serious felony offenses committed by juveniles over the age of 14 years.

Proposed law retains present law and clarifies that divestiture only occurs on a probable cause finding at a continued custody hearing or a return of a bill of indictment. Proposed law further clarifies that the district attorney has discretion to file a petition in juvenile court or obtain an indictment for certain serious felony offenses listed in present law. Proposed law further provides that if the district attorney files a petition in juvenile court, and the child waives a continued custody hearing, the jurisdiction remains for all further proceedings, including review of bail, with the juvenile court.

Effective August 1, 2022.

(Amends Ch.C. Art. 305(A)(2) and (B)(3); adds Ch.C. Art. 305(A)(3))