

2022 Regular Session

SENATE BILL NO. 323

BY SENATORS CLOUD, WHITE AND HENRY

JUVENILE JUSTICE. Provides relative to juveniles in the criminal justice system. (8/1/22)

1 AN ACT

2 To enact R.S. 15:903.1, relative to juveniles; to provide for the placement of children in the
3 custody of the office of juvenile justice; to provide for juvenile facilities; to provide
4 for a tiered system of secured juvenile facilities; to provide for rulemaking; to
5 provide for terms, conditions, procedures, and requirements; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:903.1 is hereby enacted to read as follows:

9 **§903.1. Tiered system of secured juvenile facilities**

10 **A. Notwithstanding any other provisions of law to the contrary, the**
11 **deputy secretary for youth services shall adopt rules to develop and implement**
12 **a tiered system of secure juvenile facilities in the state for the placement of**
13 **children in the custody of the office of juvenile justice. The tiered system shall**
14 **be developed and implemented for the placement of low risk, medium, and high**
15 **risk children. The rules shall be adopted no later than January 1, 2023, and**
16 **shall be adopted in accordance with the Administrative Procedure Act.**

17 **B. The rules, at a minimum, shall include all of the following:**

1 **(1) An assessment of each child to be performed upon placement in the**
2 **custody of the office of juvenile justice and at other times determined necessary**
3 **by the deputy secretary. The assessment shall be used to classify each child as**
4 **high risk, medium risk, or low risk by evaluating risk factors, including but not**
5 **limited to age, sex, criminogenic, and aggressive tendencies. The results of an**
6 **assessment shall determine facility placement.**

7 **(2) A medical, educational, and psychological evaluation of each child to**
8 **be performed upon placement in the custody of the office of juvenile justice.**

9 **(3) A continuum of care plan for each child in the custody of the office**
10 **of juvenile justice, which, at a minimum, shall include treatment, service,**
11 **academic, and vocational opportunities.**

12 **C. For the purposes of this Section:**

13 **(a) A child is deemed "in the custody of the office of juvenile justice" if**
14 **he is judicially committed to the Department of Public Safety and Corrections,**
15 **youth services, office of juvenile justice, regardless of where the child is**
16 **physically held, including but not limited to state-run secure facilities, state-run**
17 **nonsecure facilities, contracted facilities, and detention centers.**

18 **(b) A "juvenile facility" is any facility in which a child judicially**
19 **committed to the office of juvenile justice is placed, whether the facility is run**
20 **directly by the state or contracted by any agency of the state.**

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

Present law establishes the office of juvenile justice within youth services of the Department of Public Safety and Corrections and provides that the deputy secretary for youth services is responsible for the overall administration, control, and operation of the affairs of youth services.

Present law provides that the Department of Public Safety and Corrections, office of juvenile justice, shall have full control of all juvenile institutions, facilities, and programs and shall adopt all rules and regulations that it deems essential to the proper conduct of these institutions, facilities, and programs.

Proposed law requires the deputy secretary for youth services adopt rules to develop and implement a tiered system of secure juvenile facilities in the state for the placement of juveniles in the custody of the office of juvenile justice. Provides that the tiered system shall be developed and implemented for the placement of low risk, medium risk, and high risk juveniles. Requires the rules to be adopted no later than January 1, 2023.

Proposed law provides that the rules, at a minimum, shall include all of the following:

- (1) An assessment of each child to be performed upon placement in the custody of the office of juvenile justice and at other times determined necessary by the deputy secretary. Provides that the assessment shall be used to classify each child as high risk, medium risk, or low risk for the purposes of facility placement.
- (2) A medical, educational, and psychological evaluation of each child to be performed upon placement in the custody of the office of juvenile justice.
- (3) A continuum of care plan for each child in the custody of the office of juvenile justice, which shall include treatment, service, academic, and vocational opportunities.

Effective August 1, 2022.

(Adds R.S. 15:903.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Provides that the rules adopted by the deputy secretary of youth services include, at a minimum, a risk level assessment for facility placement, a medical, educational, and psychological evaluation, and a continuum of care plan for each child in the custody of the office of juvenile justice.