

SENATE BILL NO. 71

BY SENATOR CONNICK

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  
18 appropriate court within thirty calendar days after the child's arrest, unless the  
19 child waives this right.

20 (3) Thereafter, if an indictment is returned, the child is subject to the  
21 exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all  
22 subsequent procedures, including the review of bail applications, and the court  
23 exercising criminal jurisdiction may order that the child be transferred to the  
24 appropriate adult facility for detention prior to his trial as an adult. If the district  
25 attorney elects to file a petition and the child waives the right to a continued  
26 custody hearing, the child is subject to the exclusive jurisdiction of the juvenile  
27 court for all subsequent procedures, including the review of bail applications.

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B. \* \* \*

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_