

SENATE BILL NO. 71

BY SENATOR CONNICK

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

A. * * *

(2) The district attorney shall have the discretion to file a petition alleging any of the offenses listed in Subparagraph (1) of this Paragraph in the juvenile court or, alternatively, to obtain an indictment. If the child is being held in detention, the district attorney shall file the petition or indictment in the appropriate court within thirty calendar days after the child's arrest, unless the child waives this right.

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

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____