HLS 23RS-180 ORIGINAL

2023 Regular Session

HOUSE BILL NO. 208

1

BY REPRESENTATIVE SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUVENILES/JURISDICTION: Lowers the age for consideration as a juvenile in the criminal justice system

AN ACT

2	To amend and reenact Children's Code Article 804(1)(a), (b), and (c), relative to juvenile
3	court jurisdiction; to amend the definition of "child" for purposes of delinquency
4	proceedings; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Children's Code Article 804(1)(a), (b), and (c) are hereby amended and
7	reenacted to read as follows:
8	Art. 804. Definitions
9	As used in this Title:
10	(1)(a) "Child" Before March 1, 2019, and after July 31, 2023, "child" means
11	any person under the age of twenty-one, including an emancipated minor, who
12	commits a delinquent act before attaining seventeen years of age.
13	(b) Beginning From March 1, 2019, and until June 30, 2020, "child" means
14	any person under the age of twenty-one, including an emancipated minor, who
15	commits a delinquent act on or after March 1, 2019, until June 30, 2020, when the
16	act is not a crime of violence as defined in R.S. 14:2, and occurs before the person
17	attains eighteen years of age.
18	(c)(i) After June 30, 2020, From July 1, 2020, until July 31, 2023, "child"
19	means any person under the age of twenty-one, including an emancipated minor,

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who commits a delinquent act on or after July 1, 2020, until July 31, 2023, and before the person attains eighteen years of age.

(ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained the age of seventeen shall be subject to criminal jurisdiction pursuant to Article 305 or 857.

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 208 Original

2023 Regular Session

Seabaugh

Abstract: Changes the age for consideration of a person as a child.

Present law provides for three different definitions of "child" as follows:

- (1) Any person under the age of 21, including an emancipated minor, who commits a delinquent act before that person attains 17 years of age.
- (2) Any person under the age of 21, including an emancipated minor, who commits a delinquent act that is not a crime of violence as defined in <u>present law</u> (R.S. 14:2) on or after March 1, 2019, before that person attains 18 years of age.
- (3) Any person under the age of 21, including an emancipated minor, who commits a delinquent act after June 30, 2020, on or after July 1, 2020, before that person attains 18 years of age.

<u>Proposed law</u> amends the <u>present law</u> definitions of child to provide for the following time frames:

- (1) Any person under the age of 21, including an emancipated minor, who commits a delinquent act either before March 1, 2019, or after July 31, 2023, before that person attains 17 years of age.
- (2) Any person under the age of 21, including an emancipated minor, who commits a delinquent act that is not a crime of violence as defined in <u>present law</u> (R.S. 14:2) either on or after March 1, 2019, and until June 30, 2020, before that person attains 18 years of age.
- (3) Any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and until July 31, 2023, before that person attains 18 years of age.

<u>Present law</u> provides that a child who has attained the age of 17 shall be subject to criminal jurisdiction pursuant to <u>present law</u> (Ch.C. Art. 305 or 857). <u>Proposed law</u> removes this provision of <u>present law</u>.

(Amends Ch.C. Art. 804(1)(a), (b), and (c))

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