

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 208 by Representative Seabaugh

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Code" and before "relative" change "Article 804(1)(a), (b), and (c),"
3 to "Articles 305(C), (D), and (E) and 804(1)(c)(ii) and to enact Children's Code Article
4 305(F),"

5 AMENDMENT NO. 2

6 On page 1, line 6, after "Code" delete the remainder of the line and delete line 7 in its
7 entirety and insert the following:

8 "Articles 305(C), (D), and (E) and 804(1)(c)(ii) are hereby amended and
9 reenacted and Children's Code Article 305(F) is hereby enacted to read as
10 follows:"

11 AMENDMENT NO. 3

12 On page 1, between lines 7 and 8, insert the following:

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

15 * * *

16 C. When a child is seventeen years of age at the time of the commission of
17 a crime of violence enumerated in R.S. 14:2(B), he is subject to the exclusive
18 jurisdiction of the appropriate court exercising criminal jurisdiction.

19 ~~E. D.~~ Except when a juvenile is held in an adult jail or lockup, the time
20 limitations for the conduct of a continued custody hearing are those provided by
21 Article 819.

22 ~~D. E.~~ The court exercising criminal jurisdiction shall retain jurisdiction over
23 the child's case, even though he pleads guilty to or is convicted of a lesser included
24 offense. A plea to or conviction of a lesser included offense shall not re-vest
25 jurisdiction in the court exercising juvenile jurisdiction over such a child.

26 E. F.(1) If a competency or sanity examination is ordered, except for the
27 filing of a delinquency petition, the return of an indictment, or the filing of a bill of
28 information, no further steps to prosecute the child shall occur until the court
29 exercising criminal jurisdiction appoints counsel for the child and provides
30 notification in accordance with Article 809 and determines the child's mental
31 capacity to proceed.

32 * * *"

33 AMENDMENT NO. 4

34 On page 1, delete lines 10 through 19 in their entirety and on page 2 delete lines 1 through
35 5 in their entirety and insert the following:

36 "(1)

37 * * *

38 (c)

39 * * *

40 (ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained
41 the age of seventeen and who commits a crime of violence enumerated in R.S.
42 14:2(B) shall be subject to criminal jurisdiction pursuant to Article 305 ~~or 857.~~"