

2023 Regular Session

HOUSE BILL NO. 359

BY REPRESENTATIVE GREGORY MILLER

JUVENILES/JURISDICTION: Creates a Juvenile Justice District to include the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist

1 AN ACT

2 To enact Subpart M of Part XI of Chapter 7 of Title 15 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 15:1109 through 1109.7, relative to the creation of a
4 juvenile justice district for certain parishes; to create and provide with respect to the
5 River Parishes Juvenile Justice District; to establish and provide with respect to the
6 purposes and functions; to provide for a board of commissioners of the district and
7 for the composition, administration, powers, and duties of the board, including the
8 power to incur debt, issue bonds, and levy taxes; to provide for the assessment and
9 collection of court costs in certain criminal, traffic, and juvenile proceedings; to
10 provide for the distribution of the monies to the board of commissioners of the River
11 Parishes Juvenile Justice District; to provide for an effective date; and to provide for
12 related matters.

13 Notice of intention to introduce this Act has been published
14 as provided by Article III, Section 13 of the Constitution of
15 Louisiana.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. Subpart M of Part XI of Chapter 7 of Title 15 of the Louisiana Revised
18 Statutes of 1950, comprised of R.S. 15:1109 through 1109.7 is hereby enacted to read as
19 follows:

1 SUBPART M. RIVER PARISHES JUVENILE JUSTICE DISTRICT2 §1109. River Parishes Juvenile Justice District; creation; jurisdiction

3 The River Parishes Juvenile Justice District is hereby established as a
4 political subdivision of the state, with a territorial jurisdiction throughout the
5 Twenty-Third, Twenty-Ninth, and Fortieth Judicial Districts, including the parishes
6 of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

7 §1109.1. Board of commissioners; appointment; terms

8 A. The River Parishes Juvenile Justice Commission is hereby created to
9 control, administer, and manage the affairs of the district. The commission shall be
10 composed of a board of thirteen commissioners, who shall be qualified electors
11 domiciled and residing in the district. Seven commissioners shall be jointly
12 appointed, for terms of four years, by the sheriff of the Twenty-Third Judicial
13 District; two commissioners shall be appointed, for terms of four years, by the sheriff
14 of St. Charles Parish; one commissioner shall be appointed, for a term of four years,
15 by the sheriff of St. John the Baptist Parish; one commissioner shall be appointed,
16 for a term of four years, by the district attorney of the Twenty-Third Judicial District;
17 one commissioner shall be appointed, for a term of four years, by the district attorney
18 of the Twenty-Ninth Judicial District, and one commissioner shall be appointed, for
19 a term of four years, by the district attorney of the Fortieth Judicial District. All
20 appointments shall be confirmed by the Senate.

21 B. The members of the board of commissioners shall serve without salary
22 or per diem but the board may authorize a reasonable travel allowance for its
23 members in the performance of their official duties.

24 §1109.2. Purpose

25 The purpose of the commission shall be to assist and afford opportunities to
26 children who enter the juvenile justice system, or who are children in need of care
27 or supervision, to become productive, law-abiding citizens of the community, parish,
28 and state by the establishment of rehabilitative programs within a structured
29 environment and to provide physical facilities and related services for children

1 throughout the parishes of Ascension, Assumption, St. Charles, St. James, and St.
2 John the Baptist.

3 §1109.3. Board of commissioners; officers; meetings

4 A. The board of commissioners shall elect a president, a secretary, and a
5 treasurer, whose duties in addition to those provided by this Subpart shall be
6 established by the board. If the board so decides, one commissioner may serve as
7 both secretary and treasurer, but in any event, the treasurer shall furnish bond in an
8 amount and in accordance with terms and conditions fixed by the board.

9 B. The board shall fix a time and place for the holding of its regular meetings
10 and shall hold at least one regular meeting in each calendar month. Additional
11 regular or special meetings may be held upon the call of the president or of five of
12 the commissioners. All meetings of the board shall be held at the domicile of the
13 board and shall be governed by the provisions of R.S. 42:11 et seq.

14 C. A majority of the current members of the board shall constitute a quorum.
15 A quorum shall be required to transact business and any action of the board shall
16 require approval by a majority of the quorum present.

17 §1109.4. Board; general authority

18 A. The board may purchase or otherwise acquire, construct, reconstruct,
19 rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and
20 administer or enter into contracts for the management, administration, and operation
21 of a juvenile detention facility or facilities, shelter care facility or facilities, or such
22 other juvenile justice facilities as are useful, necessary, expedient, or convenient to
23 carry out the plans and purposes of the commission and for the orderly conduct of
24 its business. Such facilities may include but are not limited to office facilities,
25 parking facilities, diagnostic facilities, dormitories, and other residential facilities for
26 delinquent, neglected, or abused children or children in need of care or supervision,
27 as well as for employees, patrons, visitors, and relatives of children who may enter
28 the juvenile justice system or who are in need of care or supervision. In addition, the
29 commission may lease, purchase, or acquire by donation or otherwise, any property,

1 immovable or movable, tangible or intangible, from any person, firm, or corporation,
2 including the state and its agencies and political subdivisions.

3 B. The board may also authorize and approve, upon such terms as it may
4 deem advisable, contracts of employment for a superintendent or administrator and
5 other necessary personnel and contracts for legal, financial, engineering, and other
6 professional services necessary or expedient for the conduct of its affairs.

7 §1109.5. Board; domicile; power to levy taxes, incur debt, issue bonds

8 A. The board of commissioners shall be domiciled in the parish of St. James
9 and shall have the power to sue and be sued. In the exercise of its powers to control,
10 administer, and manage the affairs of the district, the board may incur debt and issue
11 bonds and may levy taxes in the manner provided in this Subpart and pursuant to
12 Article VI, Sections 30 and 32 of the Constitution of Louisiana or any other
13 constitutional or statutory authority. The board generally may perform any function
14 and exercise any power necessary, requisite, or proper for the administration and
15 management of the affairs of the commission and, specifically, may cooperate with
16 juvenile courts and other courts and public agencies within the Twenty-Third,
17 Twenty-Ninth, and Fortieth Judicial Districts to aid and assist in all ways authorized
18 by law for the purposes and responsibilities for which the commission is established.

19 B. In addition to the general powers conferred by this Section, in order to
20 obtain the necessary funds to carry out its purposes, duties, and responsibilities, and
21 in order to acquire, construct, maintain, and operate a juvenile facility or facilities
22 and related services and programs throughout the River Parishes Juvenile Justice
23 District, the commission may incur debt and issue general obligation bonds within
24 the limitations prescribed by Article VI, Section 33 of the Constitution of Louisiana
25 and other applicable constitutional or statutory authority, but only when authorized
26 by a majority of the electors in the district who vote thereon in an election held for
27 that purpose in accordance with laws governing such elections.

1 §1109.6. Funding for the commission; criminal court costs

2 A. In the parishes of Ascension, Assumption, St. Charles, St. James, and St.
3 John the Baptist, in all felony and misdemeanor prosecutions, including traffic
4 offenses, under state law or parish or municipal ordinance, in any district, parish,
5 city, or mayor's court, special costs in an amount not to exceed five dollars shall be
6 levied against every defendant who is convicted after trial, enters a plea of guilty or
7 nolo contendere, or forfeits bond. However, in lieu of imposing the special costs, the
8 court may direct that a like amount be deducted from any fine imposed prior to
9 disposition of the fine in accordance with other laws, but in either event any amounts
10 so collected shall be remitted, by the tenth of the month following the month in
11 which collected, by the proper officer of the court to the board of the River Parishes
12 Juvenile Justice Commission to be used for the expenses of its operations as
13 provided in this Subpart.

14 B. In the parishes of Ascension, Assumption, St. Charles, St. James, and St.
15 John the Baptist, in all courts exercising juvenile jurisdiction, special costs in an
16 amount not to exceed five dollars shall be levied against every juvenile who is found
17 to have committed a traffic violation, under state law or parish or municipal
18 ordinance, and special costs in an amount not to exceed twenty-five dollars shall be
19 levied against every juvenile who is adjudicated a delinquent. All or part of the costs
20 may be suspended, but any amounts collected shall be remitted, by the tenth of the
21 month following the month in which collected, by the proper officer of the court in
22 which the matter was heard to the board of the River Parishes Juvenile Justice
23 Commission to be used for the expenses of its operations pursuant to this Subpart.

24 Section 2. In accordance with the provisions of R.S. 13:62, the special court costs
25 or fees as provided by this Act shall become effective if and when the Judicial Council
26 provides a recommendation that such court costs or fees meet the applicable guidelines in
27 its report to the Louisiana Legislature. No fees shall be imposed or collected without
28 Judicial Council approval.

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 359 Engrossed

2023 Regular Session

Gregory Miller

Abstract: Creates the River Parishes Juvenile Justice District.

Proposed law provides for the creation the River Parishes Juvenile Justice District as a political subdivision of the state. Further provides for territorial jurisdiction throughout the 23rd, 29th, and 40th Judicial Districts, including the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

Proposed law provides for creation of the River Parishes Juvenile Justice Commission to control, administer, and manage the affairs of the district.

Proposed law provides that the commission shall be composed of a board of 13 commissioners, who shall be qualified electors domiciled and residing in the district as follows:

- (1) Seven commissioners shall be jointly appointed, for terms of four years, by the sheriffs of the 23rd Judicial District.
- (2) Two commissioners shall be appointed, for terms of four years, by the sheriff of St. Charles Parish.
- (3) One commissioner shall be appointed, for a term of four years, by the sheriff of St. John the Baptist Parish.
- (4) One commissioner shall be appointed, for a term of four years, by the district attorney of the 23rd Judicial District.
- (5) One commissioner shall be appointed, for a term of four years, by the district attorney of the 29th Judicial District.
- (6) One commissioner shall be appointed, for a term of four years, by the district attorney of the 40th Judicial District.

Proposed law provides that all appointments shall be confirmed by the Senate.

Proposed law provides that the members of the board of commissioners shall serve without salary or per diem but the board may authorize a reasonable travel allowance for its members in the performance of their official duties.

Proposed law provides for the purpose of the commission.

Proposed law provides that the board of commissioners shall elect a president, a secretary, and a treasurer, whose duties in addition to those provided by proposed law shall be established by the board.

Proposed law provides that if the board so decides, one commissioner may serve as both secretary and treasurer, but in any event the treasurer shall furnish bond in an amount and in accordance with terms and conditions fixed by the board.

Proposed law provides that the board shall fix a time and place for the holding of its regular meetings and shall hold at least one regular meeting in each calendar month. Further provides that additional regular or special meetings may be held upon the call of the president or of five of the commissioners, that all meetings of the board shall be held at the domicile of the board, and that all meetings shall be governed by the provisions of present law (R.S. 42:11 et seq).

Proposed law provides that a majority of the current members of the board shall constitute a quorum. Further provides that a quorum shall be required to transact business and all actions of the board shall be approved by a majority of the quorum present.

Proposed law provides that the board may purchase or otherwise acquire, construct, reconstruct, rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and administer or enter into contracts for the management, administration, and operation of a juvenile detention facility or facilities, shelter care facility or facilities, or such other juvenile justice facilities as are useful, necessary, expedient, or convenient to carry out the plans and purposes of the commission and for the orderly conduct of its business.

Proposed law provides that such facilities may include but are not limited to office facilities, parking facilities, diagnostic facilities, dormitories, and other residential facilities for delinquent, neglected, or abused children or children in need of care or supervision, as well as for employees, patrons, visitors, and relatives of children who may enter the juvenile justice system or who are in need of care or supervision.

Proposed law provides that the commission may lease, purchase, or acquire by donation or otherwise, any property, immovable or movable, tangible or intangible, from any person, firm, or corporation, including the state and its agencies and political subdivisions.

Proposed law provides that the board may also authorize and approve, upon such terms as it may deem advisable, contracts of employment for a superintendent or administrator and other necessary personnel and contracts for legal, financial, engineering, and other professional services necessary or expedient for the conduct of its affairs.

Proposed law provides that the board of commissioners shall be domiciled in the parish of St. James and shall have the power to sue and be sued. Further provides that the board, in the exercise of its powers to control, administer, and manage the affairs of the district, may incur debt and issue bonds, and it may levy taxes in the manner provided in proposed law and pursuant to present constitution (Art. VI, Sec. 30 and 32) or any other constitutional or statutory authority.

Proposed law provides that the board generally may perform any function and exercise any power necessary, requisite, or proper for the administration and management of the affairs of the commission, and it specifically may cooperate with juvenile courts and other courts and public agencies within the 23rd, 29th, and 40th Judicial Districts and aid and assist them in all ways authorized by law to carry out the purposes and responsibilities for which it is established.

Proposed law provides that the commission, in addition to the general powers conferred herein and in order to obtain the necessary funds to carry out its purposes, duties, and responsibilities, and in order to acquire, construct, maintain, and operate a juvenile facility or facilities and related services and programs throughout the River Parishes Juvenile Justice District, may incur debt and issue general obligation bonds within the limitations prescribed by present constitution (Art. VI, Sec. 33) and other applicable constitutional or statutory authority, but only when authorized by a majority of the electors in the district who vote in an election held for that purpose in accordance with laws governing such elections.

Proposed law provides that special costs in an amount not to exceed \$5 shall be levied against every defendant who is convicted after trial, enters a plea of guilty or nolo

contendere, or forfeits bond in all felony and misdemeanor prosecutions, including traffic offenses, under state law or parish or municipal ordinance, in any district, parish, city, or mayor's court in the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

Proposed law provides that, in lieu of imposing the special costs, the court may direct that a like amount be deducted from any fine imposed prior to disposition of the fine in accordance with other laws, but in either event any amounts so collected shall be remitted, by the 10th of the month following the month in which collected, by the proper officer of the court to the board of the River Parishes Juvenile Justice Commission to be used for the expenses of its operations as provided in this Subpart.

Proposed law provides that in all courts exercising juvenile jurisdiction, special costs in an amount not to exceed \$5 shall be levied against every juvenile who is found to have committed a traffic violation, under state law or parish or municipal ordinance, and special costs in an amount not to exceed \$25 shall be levied against every juvenile who is adjudicated delinquent in the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

Proposed law further provides that all or part of the costs may be suspended, but any amounts thereof collected shall be remitted, by the 10th of the month following the month in which collected, by the proper officer of the court in which the matter was heard to the board of the River Parishes Juvenile Justice Commission to be used for the expenses of its operations in proposed law.

Proposed law provides that the special court costs or fees shall become effective upon approval by the Judicial Council.

(Adds R.S. 15:1109-1109.6)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Provide that the special court costs or fees shall become effective upon approval by the Judicial Council.