
DIGEST

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HB 523 Engrossed

2023 Regular Session

LaCombe

Abstract: Provides relative to licensing standards for juvenile detention facilities.

Present law (R.S. 15:1110) requires all juvenile detention facilities to be licensed in accordance with rules promulgated by the Dept. of Children and Family Services.

Proposed law requires the rules to contain separate standards for facilities utilized for pre-adjudication juvenile detention.

Proposed law further requires that standards for pre-adjudication juvenile detention facilities shall allow existing local facilities to be utilized with minimal additional costs when it is determined that the economic impact is sufficiently great to make compliance impractical to local governments while maintaining the safety, health, and well-being of juveniles placed in the facilities.

Present law (Ch.C. Art. 305) provides for jurisdiction over juveniles who commit certain offenses.

Proposed law retains present law.

Present law (Ch.C. Art. 305(B)(4)) provides that if an indictment is returned or a bill of information is filed, 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 district court may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

Proposed law retains present law, but changes the transfer provision relative to the appropriate adult facility from permissive to mandatory upon the child reaching 18 years of age.

Present law (Ch.C. Art. 306) provides for the detention of juveniles who are subject to criminal court jurisdiction.

Proposed law retains present law.

Present law (Ch.C. Art. 306(B)) provides that if a detention facility for juveniles is not available, he may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete these activities for up to six hours, except that in nonmetropolitan areas, he may be held for up to 24 hours if certain conditions occur.

Proposed law retains present law, but changes the length of time that a juvenile may be held in an adult jail or lockup from 24 hours to 48 hours if certain conditions occur.

Present law (Ch.C. Art. 306(B)(2)) provides that one of the conditions that may result in a juvenile being placed in an adult jail or lockup is when a continued custody hearing in accordance with present law (Ch.C. Arts. 820 and 821) is held within 24 hours after his arrest.

Proposed law retains present law, but changes the length of time for the occurrence of a continued custody hearing from 24 hours to 48 hours.

(Amends R.S. 15:1110(H) and Ch.C. Art. 305(B)(4) and 306(B)(intro. para.) and (2))

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. Relative to the present law rules for separate standards for facilities utilized for pre-adjudication juvenile detention, delete the proposed law provision relative to post-adjudication detention.
3. Provide that pre-adjudication standards for juvenile detention facilities shall allow the local existing facilities to be utilized with minimal additional costs when it is determined that the economic impact is sufficiently great to make compliance impractical.
4. Change the provision of present law relative to the transfer of juveniles for criminal prosecution from permissive to mandatory for all subsequent procedures if an indictment is returned or a bill of information is filed.
5. Require the child's transfer to the appropriate adult facility to occur upon the child reaching 18 years of age.
6. Change the length of time that a juvenile may be held in an adult jail or lockup from 24 hours to 48 hours if certain conditions occur.
7. Change the length of time for the occurrence of the continued custody hearing from 24 hours to 48 hours.