

SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 523 by Representative LaCombe

AMENDMENT NO. 1

On page 1, delete line 3 and insert the following:

"and (G), to enact Children's Code Article 815(F) and R.S. 15:1110.3, and to repeal R.S. 15:1110(F) through (I), 1110.1, and 1110.2, relative to the custody of"

AMENDMENT NO. 2

On page 1, line 4, after "detention of juveniles;" insert the following:

"to provide relative to licensing standards for pre-adjudication detention facilities; to provide relative to the transfer of juvenile detention facility licensing; to provide for an effective date;"

AMENDMENT NO. 3

On page 2, after line 29, add the following:

"Section 2. R.S. 15:1110.3 is hereby enacted to read as follows:

§1110.3. Licensing; transfer to office of juvenile justice

A. Beginning July 1, 2024, all juvenile detention facilities, including facilities owned or operated by any governmental, profit, nonprofit, private, or public agency, shall be licensed and regulated by the office of juvenile justice pursuant to the provisions of this Section.

B. There shall be an annual license fee for any license issued to a detention facility. The fee shall be used by the office of juvenile justice for expenses related to the licensing program.

(1) For a detention facility authorized to care for six or fewer juveniles, the license fee shall be four hundred dollars.

(2) For a detention facility authorized to care for at least seven but not more than fifteen juveniles, the license fee shall be five hundred dollars.

(3) For a detention facility authorized to care for sixteen or more juveniles, the license fee shall be six hundred dollars.

C. Whoever operates a juvenile detention facility without a valid license issued by the office of juvenile justice pursuant to this Section shall be fined one thousand dollars for each day of operation without the valid license. In addition to seeking civil fines imposed pursuant to the provisions of this Section, if any juvenile detention facility operates without a valid license issued by the office, the office may file suit in the district court in the parish in which the facility is located for injunctive relief, including a temporary restraining order, to restrain the institution, society, agency, corporation, person or persons, or any other group operating the facility, from continuing the violation.

D.(1) No person shall operate any juvenile detention facility in violation of any provision of this Part or any other state or federal statute, regulation, or any rule adopted pursuant to the Administrative Procedure Act that governs the ownership or operation of juvenile detention facilities.

(2) In lieu of revocation of the facility's license, the office may issue a written warning that includes a corrective action plan to any person or entity violating these requirements when the violation creates a condition or occurrence relating to the operation and maintenance of a juvenile detention facility that does not pose an imminent threat to the health, safety, rights, or welfare of a child. Failure to implement a corrective action plan issued pursuant to the provisions of this Section may result in either the assessment of a civil fine or license revocation or

1 may result in both actions being taken by the office. Such civil fines shall not exceed
 2 two hundred fifty dollars per day for each fine assessment; however, the aggregate
 3 fines assessed for violations determined in any consecutive twelve-month period
 4 shall not exceed two thousand dollars.

5 E. An appeal of any office decision for a violation of any provision of this
 6 Part shall be suspensive. All appeals filed pursuant to the provisions of this Section
 7 shall be heard by the division of administrative law pursuant to Chapter 13-B of Title
 8 49 of the Louisiana Revised Statutes of 1950. The office shall furnish the facility or
 9 agency a copy of the decision, together with notice of the procedure for requesting
 10 judicial review.

11 F. The office may institute all necessary civil court actions to collect fines
 12 imposed that are not timely appealed. No juvenile detention facility may claim
 13 imposed fines as reimbursable. Interest shall begin to accrue at the current judicial
 14 rate on the day following the date on which any fines become due and payable. All
 15 costs of any successful action to collect such fines, including travel expenses and
 16 reasonable attorney fees, shall be awarded to the office in addition to the fines.

17 G.(1) Civil fines collected pursuant to the provisions of this Section shall be
 18 deposited immediately into the state treasury.

19 (2) After compliance with the requirements of Article VII, Section 9(B) of
 20 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
 21 and prior to the monies being placed in the state general fund, an amount equal to the
 22 amount deposited as provided in Paragraph (1) of this Subsection shall be credited
 23 to a special fund hereby created in the state treasury to be known as the "Juvenile
 24 Detention Licensing Trust Fund". The monies in the fund shall be subject to annual
 25 appropriation and shall be available exclusively for use by the office of juvenile
 26 justice for the education and training of employees, staff, or other personnel of
 27 juvenile detention facilities.

28 (3) The monies in the fund shall be invested by the treasurer in the same
 29 manner as the monies in the state general fund, and all interest earned from the
 30 investment of monies in the fund shall be deposited in and remain to the credit of the
 31 fund. All unexpended and unencumbered monies remaining in the fund at the end
 32 of the fiscal year shall remain in the fund.

33 H.(1) Any owner, operator, current or prospective employee, or volunteer of
 34 a juvenile detention facility that is requesting licensure or is licensed by the office
 35 of juvenile justice is prohibited from being employed by the facility if that
 36 individual's name is recorded on the state central registry as a perpetrator for a
 37 justified finding of abuse or neglect of a child.

38 (2) If the individual's name is or was entered on the state central registry, that
 39 individual may make a formal written request to the division of administrative law
 40 for an administrative appeal of the justified determination, in accordance with
 41 Children's Code Article 616.1.1 and the procedures promulgated by the office.

42 I. The office of juvenile justice shall promulgate rules and regulations in
 43 accordance with the Administrative Procedure Act to implement the provisions of
 44 this Section. The rules shall contain the following, at minimum:

45 (1) Licensing standards for juvenile detention centers that comport with
 46 nationally recognized and accepted best practice standards.

47 (2) Criteria for risk evaluation requests, the composition of the risk
 48 evaluation panel, and criteria for risk evaluation determinations.

49 (3) Specific factors for determining the type of sanctions to be imposed
 50 including severity of risk, actual harm, failure to implement a written corrective
 51 action plan, mitigating circumstances, the history of noncompliance and an
 52 explanation of the treatment of continuing noncompliance, an explanation of the
 53 treatment of continuing repeat deficiencies, evidence of good faith effort to comply,
 54 and any other relevant factors.

55 (4) The process to provide notice to a juvenile detention facility of any
 56 violation, for a departmental reconsideration process for sanctions issued, and for an
 57 appeal procedure, including judicial review.

58 Section 3. R.S. 15:1110(F) through (I), 1110.1, and 1110.2 are hereby repealed in
 59 their entirety.

60 Section 4.(A) Sections 1 and 2 of this Act shall become effective upon signature by
 61 the governor or, if not signed by the governor, upon expiration of the time for bills to

1 become law without signature by the governor, as provided by Article III, Section 18 of the
2 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
3 legislature, this Section 1 and this Section of this Act shall become effective on the day
4 following such approval.

5 (B) Section 3 of this Act shall become effective on July 1, 2024."