

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 359****2023 Regular Session****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

Synopsis of Senate Amendments

1. Increase the number of commissioners on the River Parishes Juvenile Justice Commission from 13 to 14.
2. Reduce the number of commissioners appointed by the sheriffs of the 23rd Judicial District from seven to five.
3. Provide for the appointment of a commissioner by the chief judge of the 23rd Judicial District, the chief judge of the 29th Judicial District, and the chief judge of the 40th Judicial District.
4. Authorize the diagnostic facilities, dormitories, and other residential facilities to be used to operate post-adjudication programming, including treatment and rehabilitation.

Digest of Bill as Finally Passed by Senate

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 14 commissioners, who shall be qualified electors domiciled and residing in the district as follows:

- (1) Five 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.
- (7) One commissioner shall be appointed, for a term of four years, by the chief judge of the 23rd Judicial District.

- (8) One commissioner shall be appointed, for a term of four years, by the chief judge of the 29th Judicial District.
- (9) One commissioner shall be appointed, for a term of four years, by the chief judge 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 facility may also be used to operate post-adjudication programming, including treatment and rehabilitation.

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 authorizes the diagnostic facilities, dormitories, and other residential facilities to be used to operate post-adjudication programming, including treatment and rehabilitation.

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)