

## CONFERENCE COMMITTEE REPORT

SB 159

2023 Regular Session

Cathey

June 8, 2023

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 159 by Senator Cathey, recommend the following concerning the Engrossed bill:

1. That the House Floor Amendments proposed by Representative Seabaugh and adopted by the House of Representatives on June 5, 2023, be rejected.
2. That the following amendment to the Engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, delete lines 2 through 17 and delete pages 2 through 5 and insert the following:

"To amend and reenact Children's Code Art. 804(1), relative to juvenile court jurisdiction; to provide relative to the definition of "child" for purposes of delinquency proceedings; and to provide for related matters.

Section 1. Children's Code Art. 804(1) is hereby amended and reenacted to read as follows:

## Art. 804. Definitions

As used in this Title:

(1)(a) ~~"Child"~~ **Before March 1, 2019, "child"** means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act before attaining seventeen years of age.

(b) **Beginning From** March 1, 2019, **and through June 30, 2020,** "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after March 1, 2019, **through June 30, 2020,** when the act is not a crime of violence as defined in R.S. 14:2, and occurs before the person attains eighteen years of age.

(c) ~~(i) After June 30, 2020,~~ **From July 1, 2020, through July 31, 2023,** "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, **through July 31, 2023,** and before the person attains eighteen years of age.

~~(ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained the age of seventeen shall be subject to criminal jurisdiction pursuant to Article 305 or 857.~~

**(d) Beginning August 1, 2023, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after August 1, 2023, when the act is not a crime of violence as defined in R.S. 14:2, and the act occurs before the person attains eighteen years of age.**

**(e) "Child" includes any person alleged to have committed any delinquent act prior to his seventeenth birthday.**

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Respectfully submitted,

Senators:

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Senator Stewart Cathey Jr.

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Senator Kirk Talbot

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Senator Gary L. Smith Jr.

Representatives:

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Representative Alan Seabaugh

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Representative Joseph A. Marino, III

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Representative Jeremy S. LaCombe

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The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

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## CONFERENCE COMMITTEE REPORT DIGEST

SB 159

2023 Regular Session

Cathey

### Keyword and summary of the bill as proposed by the Conference Committee

JUVENILE JUSTICE. Provides relative to the definition of "child" for purposes of delinquency proceedings. (8/1/23)

### Report rejects House amendments which would have:

1. Defined "child", for delinquent acts committed before March 1, 2019 and after July 31, 2023, as any person under the age of 21, including an emancipated minor, who committed the delinquent act before attaining 17 years of age.
2. Defined "child", for delinquent acts committed between March 1, 2019 and June 30, 2020, as any person under the age of 21, including an emancipated minor, who committed the delinquent act that is not a crime of violence, before attaining 18 years of age.
3. Defined "child", for delinquent acts committed between July 1, 2020 and July 31, 2023, as any person under the age of 21, including an emancipated minor, who committed the delinquent act before attaining 18 years of age.
4. Provided that any person alleged to have committed a crime prior to attaining the age of 17 will meet the definition of "child".

### Report amends the bill to:

1. Define "child", for delinquent acts committed before March 1, 2019, as any person under the age of 21, including an emancipated minor, who committed the delinquent act before attaining 17 years of age.
2. Define "child", for delinquent acts committed between March 1, 2019 and June 30, 2020, as any person under the age of 21, including an emancipated minor, who committed the delinquent act that is not a crime of violence, before attaining 18 years of age.
3. Define "child", for delinquent acts committed between July 1, 2020 and July 31, 2023, as any person under the age of 21, including an emancipated minor, who committed the delinquent act before attaining 18 years of age.
4. Define "child", for delinquent acts committed on and after August 1, 2023, as any person under the age of 21, including an emancipated minor, who committed the delinquent act, provide it is not a crime of violence, before attaining 18 years of age.
5. Define "child" to include any person alleged to have committed any delinquent act prior to attaining 17 years of age.

### Digest of the bill as proposed by the Conference Committee

Present law defines "child", for the purposes of delinquency proceedings, as any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains 18 years of age. Provides, however, a child who has attained the age of 17 shall be subject to criminal court jurisdiction as provided in present law.

Proposed law terminates application of present law on July 31, 2023, and provides that beginning August 1, 2023, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after August 1, 2023, when the act is not a crime of violence, and the act occurs before the person attains 18 years of age.

Proposed law defines "child" to include any person alleged to have committed any delinquent act prior to his 17<sup>th</sup> birthday.

Effective August 1, 2023.

(Amends Ch.C. Art. 804(1))