

ACT No. 166

HOUSE BILL NO. 357

BY REPRESENTATIVES HUVAL, AMEDEE, BEAULLIEU, BOURRIAQUE, BRYANT, BUTLER, CARRIER, COX, DAVIS, DEVILLIER, EMERSON, FISHER, FONTENOT, GOUDEAU, GREEN, HUGHES, LARVADAIN, LYONS, ROMERO, ST. BLANC, STEFANSKI, WHITE, AND WILLARD

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 juvenile justice
4 districts; to create and provide with respect to the Acadiana Regional Juvenile Justice
5 District for certain parishes; to provide for a board of commissioners for the district;
6 to provide for the composition, administration, powers, and duties of the board,
7 including the power to incur debt, issue bonds, and levy taxes; to provide relative to
8 juvenile services and facilities; to provide for definitions; to provide for an effective
9 date; and to provide for related matters.

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

13 Be it enacted by the Legislature of Louisiana:

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

17 SUBPART M. ACADIANA REGIONAL JUVENILE JUSTICE DISTRICT

18 §1109. Acadiana Regional Juvenile Justice District; creation; definitions; domicile

19 A. The Acadiana Regional Juvenile Justice District is hereby created as a
20 political subdivision of the state, having a territorial jurisdiction throughout the

1 parishes of Acadia, Allen, Evangeline, Iberia, Jefferson Davis, St. Landry, St.
2 Martin, St. Mary, and Vermilion.

3 B. As used in this Subpart the following words and terms shall have the
4 following meanings, unless the context clearly indicates and requires another or
5 different meaning or intent:

6 (1) "Board" means the board of commissioners of the Acadiana Regional
7 Juvenile Justice District.

8 (2) "Commission" means the Acadiana Regional Juvenile Justice District
9 Commission.

10 (3) "District" means the Acadiana Regional Juvenile Justice District.

11 (4) "Facility" means any juvenile detention facility, shelter care facility, or
12 any other similar juvenile justice facility.

13 (5) "Governing authority" means the governing authority of a parish.

14 (6) "Lease-purchase contract" means the financing and acquisition of
15 property by a person pursuant to an arrangement under which such person acquires
16 title to property, constructs a facility on the property, and enters into a lease-purchase
17 contract with the commission providing for the leasing of the property, including a
18 facility on the property, to the commission and the acquisition of title to the property
19 by the commission at the end of the lease period. For the purposes of this Subpart,
20 the term "lease-purchase contract" also means any agreement between a person and
21 the commission providing for the acquisition, lease, custody of juveniles, or other
22 form of operation of a newly constructed facility as may be provided in such
23 agreement, provided that all policies, procedures, and matters related to management
24 shall be determined by the commission.

25 (7) "Participating parish" means any parish which has entered into a
26 participation agreement with the commission by which certain space is subleased to
27 house juveniles from the participating parish.

28 C. The domicile of the Acadiana Regional Juvenile District shall be the
29 parish seat of the parish in which the juvenile justice facility is located unless

1 changed by two-thirds vote of the membership of the board of commissioners of the
2 Acadiana Regional Juvenile Justice District.

3 §1109.1. Board of commissioners; appointments; terms

4 A. The Acadiana Regional Juvenile Justice District Commission is hereby
5 created to control, administer, and manage the affairs of the district. The commission
6 shall be composed of a board of eleven commissioners who shall be appointed as
7 follows:

8 (1) One commissioner, who shall be a qualified elector domiciled and
9 residing within Acadia Parish, shall be jointly appointed by the chief judge and
10 district attorney for the Fifteenth Judicial District and the sheriff of Acadia Parish for
11 an initial term of four years.

12 (2) One commissioner, who shall be a qualified elector domiciled and
13 residing in Allen Parish, shall be jointly appointed by the chief judge and district
14 attorney for the Thirty-Third Judicial District and the sheriff of Allen Parish for an
15 initial term of four years.

16 (3) One commissioner, who shall be a qualified elector domiciled and
17 residing within Evangeline Parish, shall be jointly appointed by the chief judge and
18 district attorney for the Thirteenth Judicial District and the sheriff of Evangeline
19 Parish for an initial term of four years.

20 (4) One commissioner, who shall be a qualified elector domiciled and
21 residing within Iberia Parish, shall be jointly appointed by the chief judge and district
22 attorney of the Sixteenth Judicial District and the sheriff of Iberia Parish for an initial
23 term of four years.

24 (5) One commissioner, who shall be a qualified elector domiciled and
25 residing in Jefferson Davis Parish, shall be jointly appointed by the chief judge and
26 district attorney for the Thirty-First Judicial District and the sheriff of Jefferson
27 Davis Parish for an initial term of four years.

28 (6) One commissioner, who shall be a qualified elector domiciled and
29 residing in St. Landry Parish, shall be jointly appointed by the chief judge and

1 district attorney for the Twenty-Seventh Judicial District and the sheriff of St.
 2 Landry Parish for an initial term of four years.

3 (7) One commissioner, who shall be a qualified elector domiciled and
 4 residing within St. Martin Parish, shall be jointly appointed by the chief judge and
 5 district attorney for the Sixteenth Judicial District and the sheriff of St. Martin Parish
 6 for an initial term of four years.

7 (8) One commissioner, who shall be a qualified elector domiciled and
 8 residing in St. Mary Parish, shall be jointly appointed by the chief judge and district
 9 attorney for the Sixteenth Judicial District and the sheriff of St. Mary Parish for an
 10 initial term of four years.

11 (9) One commissioner, who shall be a qualified elector domiciled and
 12 residing within Vermilion Parish, shall be jointly appointed by the chief judge and
 13 district attorney for the Fifteenth Judicial District and the sheriff of Vermilion Parish
 14 for an initial term of four years.

15 (10) One commissioner, who shall be a qualified elector domiciled and
 16 residing within the district, shall be jointly appointed by the parish presidents of the
 17 parishes included within the district and the presidents of the police juries in those
 18 parishes without home rule charters or parish presidents for an initial term of four
 19 years.

20 (11) One commissioner, who shall be a qualified elector domiciled and
 21 residing within the district, shall be jointly appointed by the judges of the city courts
 22 within the district exercising juvenile jurisdiction for an initial term of four years.

23 B. Following the expiration of the initial term of each commissioner, all
 24 subsequent appointments shall be for terms of four years. The members of the board
 25 shall serve without salary or per diem, but the board may authorize a reasonable
 26 travel allowance for its members in the performance of their official duties.

27 §1109.2. Purpose

28 A. The purpose of the commission shall be to assist and afford opportunities
 29 to pre-adjudicatory and post-adjudicatory children who enter the juvenile justice
 30 system, or who are children in need of care or supervision, to become productive,

1 law-abiding citizens of the community, parish, and state by the establishment of
2 rehabilitative programs within a structured environment and to provide physical
3 facilities and related services including the housing, care, supervision, maintenance,
4 and education of children under the age of eighteen years, and for individuals who
5 were under eighteen years of age when they committed an alleged offense,
6 throughout the district and in other participating parishes.

7 B. In addition to any other authority and power granted by law, the board is
8 authorized to enter into intergovernmental agreements or cooperative endeavor
9 agreements with any other state, parish, or local agency, entity, or individual to
10 provide for the establishment and maintenance of evidence-based or best practices
11 juvenile services and programs, including but not limited to a district attorney's early
12 intervention program.

13 C. In association with any such evidence-based, or best practices services
14 and programs, and other such qualified programs, the board is specifically authorized
15 to expend any and all funds collected and to pay any and all negotiated costs and
16 expenses for juvenile services and programs provided within the district or to other
17 participating parishes.

18 §1109.3. Board of commissioners; officers; meetings

19 A. The board of commissioners shall elect a chairman, a vice chairman, and
20 a treasurer from among its members whose duties, in addition to those provided by
21 this Subpart, shall be established by the board. The treasurer shall furnish bond in an
22 amount and in accordance with the terms and conditions fixed by the board. The
23 board of commissioners may also appoint a person who may, but is not required to,
24 be a member of the board to serve as the secretary.

25 B. The board shall fix a time and place for the holding of its regular meetings
26 in at least every other calendar month. Additional regular or special meetings may
27 be held upon the call of the chairman or of three of the commissioners. All meetings
28 of the board may be conducted at any location approved by the board and shall be
29 governed by the provisions of R.S. 42:11 et seq.

1 C. A majority of the members of the board shall constitute a quorum. A
2 quorum shall be required to transact business and all actions and resolutions of the
3 board shall be approved by a majority of the quorum present.

4 §1109.4. Board of commissioners; general authority

5 A. The board may purchase or otherwise acquire, construct, reconstruct,
6 rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and
7 administer or enter into contracts for the management, administration, and operation
8 of a juvenile detention facility or facilities, shelter care facility or facilities, or such
9 other juvenile justice facilities as are useful, necessary, expedient, or convenient to
10 carry out the plans and purposes of the commission and for the orderly conduct of
11 its business. Such facilities may include but are not limited to office facilities,
12 parking facilities, diagnostic facilities, dormitories, residential units, administration
13 and social service buildings, cafeteria buildings, gymnasium, educational and
14 recreational buildings, and other similar facilities for delinquent, neglected, or
15 abused children or children in need of care or supervision, as well as for employees,
16 patrons, visitors, and relatives of children who may enter the juvenile justice system,
17 or who are in need of care or supervision. In addition, the commission may lease,
18 purchase, or acquire by donation or exchange any property, immovable or movable,
19 tangible or intangible from any person, firm, or corporation, including the state and
20 its agencies and political subdivisions.

21 B. The district may enter into a lease or lease-purchase contract with any
22 state, parish or local agency or person, firm or corporation, public or private for the
23 acquisition of a facility with a term not to exceed thirty years upon such terms and
24 conditions as the board shall deem proper. Any such lease or lease-purchase contract
25 need not be advertised and bid, and to that extent the district shall be exempt from
26 the provisions of Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950.
27 The obligation to make payments under a lease or lease-purchase contract shall not
28 constitute, give rise to, or be construed as an indebtedness within the meaning of any
29 constitutional, statutory, or home rule charter debt limitation. However, any such
30 contract shall contain the following annual appropriation dependency clause:

1 "The continuation of this contract is contingent upon the continued
2 appropriation of funds by the board to fulfill the requirements of the contract. If the
3 board fails to appropriate sufficient monies, to provide for the continuation of the
4 contract, or if such appropriation is reduced by any means provided in the
5 appropriation resolution to prevent the total appropriations for the year from
6 exceeding revenues for that year or for any other lawful purpose and the effect of
7 such reduction is to provide insufficient funds for the continuation of the contract,
8 the contract shall terminate on the date of the beginning of the first fiscal year for
9 which funds are not appropriated."

10 C. The board may also take any of the following actions:

11 (1) Authorize and approve upon such terms as it may deem advisable,
12 contracts of employment for a superintendent or administrator and other necessary
13 personnel for operating the facility and contracts for legal, financial, architectural,
14 engineering, and other professional services necessary or expedient for the conduct
15 of its affairs.

16 (2) Adopt rules and regulations for the operation and maintenance of the
17 facility.

18 (3) Accept available federal, state, or other public or private funds allocated
19 for the purpose of establishing, improving, operating, or maintaining the facility.

20 (4) Cooperate with juvenile or other courts and public agencies within the
21 district or in other participating parishes.

22 (5) Generally, do all things lawful and proper to provide temporary, custodial
23 care, supervision, and education of juveniles.

24 (6) Perform any function and exercise any power necessary, proper, or
25 requisite for the administration and management of its affairs.

26 §1109.5. Power to levy taxes, incur debt and issue bonds

27 A. In the exercise of its powers to administer, control, and manage the affairs
28 of the district, the board may incur debt and issue bonds, and it may levy taxes in the
29 manner provided in this Subpart and pursuant to Article VI, Sections 30 and 32 of
30 the Constitution of Louisiana and any other constitutional or statutory authority.

1 B. In order to obtain the necessary funds to carry out its purposes, duties and
2 responsibilities, and in order to acquire, construct, maintain and operate a juvenile
3 facility or facilities and related services throughout the district, the commission may
4 incur debt and issue general obligation bonds within the limitations prescribed in
5 Article VI, Section 33 of the Constitution of Louisiana and any other applicable
6 constitutional or statutory authority, but only when authorized by a majority of the
7 electors in the district who vote thereon in an elections held for that purpose in
8 accordance with laws governing such elections.

9 §1109.6. Use of facilities

10 The facility shall be used for the temporary detention of children under the
11 age of eighteen years and for individuals eighteen years of age and older who were
12 under eighteen years of age when they committed an alleged offense from the
13 parishes within the district while awaiting trial or other disposition of their cases,
14 runaways from parishes within the district, those awaiting transfer to the Department
15 of Public Safety and Corrections or the office of juvenile justice, and any other
16 purpose or use provided in R.S. 15:1109.2 or any other constitutional or statutory
17 law. The facility may also be used to operate post-adjudication programming,
18 including treatment and rehabilitation. Subject to the approval of the commission,
19 juveniles from parishes outside of the district may be accepted for housing and care
20 in accordance with rules and regulations adopted by the board and pursuant to a
21 participation agreement between the district and the governing authority of the
22 participating parishes, but only upon agreement of the participating parish to pay the
23 charges established for the sublease of space in the facility and for the care and
24 maintenance of each such juvenile.

25 §1109.7. Immunity from civil liability

26 A. The members of the board of commissioners of the Acadiana Regional
27 Juvenile Justice District shall be immune from suit and liability, either personally or
28 in their official capacity, for any claim for damage to or loss of property or personal
29 injury or other civil liability caused, connected to, or arising out of any actual or
30 alleged act, error, or omission that occurred within the course and scope of their

1 actions, duties, or responsibilities for or on behalf of the district or commission.
 2 However, nothing in this Section shall be construed to protect any such person from
 3 suit or liability for any damage, injury, liability, or loss caused by the intentional or
 4 willful and wanton misconduct of any such person.

5 B. The immunity provided by this Section is in addition to any other
 6 immunity provided by law.

7 Section 2. This Act shall become effective upon signature by the governor, or if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as proved in Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____