SLS 242ES-11 REENGROSSED

2024 Second Extraordinary Session

SENATE BILL NO. 4

17

BY SENATOR CLOUD AND REPRESENTATIVES CREWS AND MIKE JOHNSON

JUVENILE JUSTICE. Provides relative to disposition of a juvenile after adjudication of certain felony-grade delinquent acts. (7/1/24) (Îtem #11)

1	AN ACT
2	To amend and reenact Children's Code Art. 897.1(B), (C), (D), and (E), relative to the
3	sentencing of a juvenile after adjudication for certain offenses; to provide relative to
4	modification of sentences; to provide relative to crimes of violence; to provide for
5	terms, conditions, and procedures; to provide an effective date; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Children's Code Art. 897.1(B), (C), (D), and (E) are hereby amended and
9	reenacted to read as follows:
10	Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts
11	* * *
12	B. After adjudication of a felony-grade delinquent act based upon a violation
13	of R.S. 14:42, first degree rape, or R.S. 14:44, aggravated kidnapping, the court shall
14	commit the child who is fourteen years or older at the time of the commission of the
15	offense to the custody of the Department of Public Safety and Corrections to be
16	confined in secure placement until the child attains the age of twenty-one years

without benefit of probation, or suspension of imposition or execution of sentence,

# or modification of sentence.

C. After Except as provided in Paragraphs A and B of this Article, after adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:64, armed robbery, or R.S. 14:64.2, carjacking, an offense that is a crime of violence, as defined in R.S. 14:2(B), the court shall commit the child who is fourteen years of age or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement without benefit of probation or suspension of imposition or execution of sentence.

D. Juveniles <u>confined</u> in secure <u>care placement</u> for an adjudication <u>for a violation of R.S. 14:42 or 44 shall be eligible for modification after serving thirty-six months of the disposition. Juveniles in secure care for an adjudication for a violation of R.S. 14:64 or 64.2 <u>as set forth in Paragraph C of this Article</u> shall be eligible for modification after serving <u>thirty-six months</u> of the disposition or, if the disposition is less than thirty-six months, two-thirds <u>a minimum of one-half</u> of the disposition.</u>

E. A motion for modification of a disposition shall be filed pursuant to Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days from the date of notice to the district attorney. To grant a motion for modification of disposition, the court must find that the child poses a reduced risk to the community based on the following considerations:

- (1) The child has had no significant behavioral violations while confined in secure placement.
- (2) The child meets one of the following work or self-improvement criteria:
  - (a) Has attained a high school diploma or equivalent.
- (b) Is actively participating in workforce training or a certification program and is in good standing as evidenced by grades and behavior notes submitted by the child's instructors.

1	(1) The most recent risk assessment conducted (3) The child has obtained
2	a low-risk designation as determined by a valid risk assessment procedure
3	approved by the office of juvenile justice.
4	(2) (4) The recommendation of the office of juvenile justice.
5	(3) (5) A reentry plan that includes an appropriate placement to conduct
6	supervision and achieve aftercare goals.
7	(4) (6) Any additional evidence provided by the child, the state, or the office
8	of juvenile justice.
9	* * *
10	Section 2. This Act shall become effective on July 1, 2024; if vetoed by the governor
11	and subsequently approved by the legislature, this Act shall become effective on the day
12	following such approval by the legislature or July 1, 2024, whichever is later.
	The original instrument and the following digest, which constitutes no part

### **DIGEST**

of the legislative instrument, were prepared by Jonathon Wagner.

SB 4 Reengrossed

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Cloud

Present law allows a court to modify the sentence of a child, who was 14 or older when he committed first degree rape or aggravated kidnapping, as provided in present law.

Proposed law prohibits modification of the sentence of a child, who was 14 or older when he committed first degree rape or aggravated kidnapping.

Present law further requires a child, who was 14 or older when he committed either armed robbery or carjacking, but not other crimes of violence, to be sentenced without benefit of probation or receiving a suspended or delayed execution of sentence.

Proposed law provides that a child, who was 14 or older when he committed a crime of violence, except first degree murder, second degree murder, first degree rape, and aggravated kidnapping, shall be confined in secure placement without benefit of probation or suspension of imposition or execution of sentence.

Present law provides that children in secure placement for an adjudication for first degree rape or aggravated kidnapping are eligible for modification after serving 36 months of the disposition, and for armed robbery and carjacking are eligible for modification after serving 36 months of the disposition or 2/3 if less than 36 months.

Proposed law provides that children confined in secure placement for crimes of violence, except first degree murder, second degree murder, first degree rape, and aggravated kidnapping, are eligible for modification after serving at least ½ of the disposition.

Present law provides that a motion for modification of a disposition pursuant to present law is to be filed and a hearing set no sooner than 30 days from the date of notice to the district attorney. Present law further provides that to grant a motion for modification of disposition,

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

the court must find that the child poses a reduced risk to the community based on the following considerations:

- 1. The most recent risk assessment conducted.
- 2. The recommendation of the office of juvenile justice.
- 3. A reentry plan that includes an appropriate placement to conduct supervision and achieve aftercare goals.
- 4. Any additional evidence provided by the child, the state, or the office of juvenile justice.

## Proposed law adds the following considerations:

- 1. The child has had no significant behavioral violations while confined in secure placement.
- 2. The child meets one of the following work or self-improvement criteria:
  - a. Has attained a high school diploma or equivalent.
  - b. Is actively participating in workforce training or a certification program and is in good standing as evidenced by grades and behavior notes submitted by the child's instructors.
- 3. Has obtained a low-risk designation as determined by a valid risk assessment procedure approved by the Office of Juvenile Justice.

Effective July 1, 2024.

(Amends Ch.C. Art. 897.1(B), (C), (D) and (E))

### Summary of Amendments Adopted by Senate

## Senate Floor Amendments to engrossed bill

- 1. Change amount of disposition that must be served before modification eligibility <u>from</u> 36 months or 2/3 under certain circumstances <u>to</u> ½ for certain crimes of violence.
- 2. Add criteria for modification of disposition.
- 3. Change effective date from March 1, 2024 to July 1, 2024.
- 4. Make technical changes.