

2024 Second Extraordinary Session

SENATE BILL NO. 4

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) (Item #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  
17 without benefit of probation, ~~or~~ suspension of imposition or execution of sentence,

1 or modification of sentence.

2 C. After Except as provided in Paragraphs A and B of this Article,  
3 after adjudication of a felony-grade delinquent act based upon a ~~violation of R.S.~~  
4 ~~14:64, armed robbery, or R.S. 14:64.2, carjacking,~~ an offense that is a crime of  
5 violence, as defined in R.S. 14:2(B), the court shall commit the child who is  
6 fourteen years of age or older at the time of the commission of the offense to the  
7 custody of the Department of Public Safety and Corrections to be confined in secure  
8 placement without benefit of probation or suspension of imposition or execution of  
9 sentence.

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

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

22 (1) The child has had no significant behavioral violations while confined  
23 in secure placement.

24 (2) The child meets one of the following work or self-improvement  
25 criteria:

26 (a) Has attained a high school diploma or equivalent.

27 (b) Is actively participating in workforce training or a certification  
28 program and is in good standing as evidenced by grades and behavior notes  
29 submitted by the child's instructors.



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 from 36 months or 2/3 under certain circumstances to 1/2 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.