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DIGEST

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SB 4 Reengrossed

2024 Second Extraordinary Session

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

Present law further requires a child, who was 14 years of age 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 amends present law to add that a child, who was 14 years of age or older and is a second time offender of all crimes of violence shall be confined in secure placement within DPS&C or any secure public or private institution 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 armed robbery, carjacking, or a second offense of a crime of violence shall be eligible for modification after serving at least 24 months of the disposition or 1/2 of the disposition if the disposition is less than 36 months.

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, 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 shall have a favorable progress report from the placement facility.
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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

- 1. Relative to adjudication of a felony-grade delinquent act, change the offense type from any offense that is a crime of violence to present law offenses of armed robbery or carjacking.
- 2. Add any second offense of all crimes of violence as a type of offense where an adjudicated child can be committed to secure placement.
- 3. Provide an alternative placement option for an adjudicated child at either a secure public or private institution.
- 4. Change the amount of time before a modification can occur after a disposition from 1/2 of the disposition to 24 months.
- 5. Provide for an alternative modification of 1/2 of the disposition if the disposition is less than 36 months.
- 6. Relative to conditions that determine a child's risk to the community, replace the condition relative to behavioral violations with a condition that the child has a favorable progress report from the placement facility.