

## RÉSUMÉ DIGEST

ACT 14 (SB 4)

2024 Second Extraordinary Session

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Prior law allowed 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 kidnaping, as provided in prior law.

New 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 kidnaping.

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

New 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.

Prior law provided that children in secure placement for an adjudication for first degree rape or aggravated kidnaping are eligible for modification after serving 36 months of the disposition, and for armed robbery and car jacking are eligible for modification after serving 36 months of the disposition or 2/3 if less than 36 months.

New law provides that children confined in secure placement for armed robbery, car jacking, or a second offense of a crime of violence shall be eligible for modification after serving at least 24 months of the disposition or ½ 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.

New law adds the following considerations to present law:

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))