

SENATE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 324
by Senator Morrell

1 AMENDMENT NO. 1

2 On page 1, at the end of line 2, after "enact" insert "Chapter 13-B of Title 15 of the
3 Louisiana Revised Statutes of 1950, to be comprised of"

4 AMENDMENT NO. 2

5 On page 1, line 3, delete "through 1443" insert "and 1442 and Children's Code Art. 306(G)"

6 AMENDMENT NO. 3

7 On page 1, delete lines 6 through 8 and insert the following:

8 "Planning and Implementation Committee; to provide for membership, authority,
9 duties, and responsibilities; to provide for directives to the Louisiana State Law
10 Institute, Louisiana Judicial Council, and Department of Children and Family
11 Services; to provide for an effective date; and to provide for related matters."

12 AMENDMENT NO. 4

13 On page 1, line 11, delete "through 1443" and insert "and 1442"

14 AMENDMENT NO. 5

15 On page 1, delete line 17

16 AMENDMENT NO. 6

17 Delete pages 2 and 3 in their entirety

18 AMENDMENT NO. 7

19 On page 4, delete lines 1 through 7

20 AMENDMENT NO. 8

21 On page 4, delete lines 8 through 29, and delete pages 5 and 6 and on page 7, delete lines 1
22 through 23, and insert the following:

23 **"§1442. Louisiana Juvenile Jurisdiction Planning Implementation Committee;**
24 **composition; authority; responsibilities**

25 **A. The Louisiana Juvenile Jurisdiction Planning and Implementation**
26 **Committee, hereafter referred to as the "committee", is hereby created as a**
27 **committee of the Juvenile Justice Reform Act Implementation Commission**
28 **established pursuant to R.S. 46:2751 et seq.**

29 **B. The committee shall have the following authority, duties, and**
30 **responsibilities:**

31 **(1) Not later than January 1, 2017, the committee shall develop and**
32 **submit to the commissioner of administration, the president of the Senate, and**
33 **the speaker of the House of Representatives a plan for full implementation of**
34 **the provisions of this Chapter. The plan shall include recommendations for**

1 changes required in the juvenile justice system to expand jurisdiction to include
2 persons seventeen years of age. These recommendations may include the
3 following items:

4 (a) The development of programs and policies that can safely reduce the
5 number of youth in the juvenile justice system, including expanded use of
6 diversion where appropriate; development and use of civil citation programs;
7 use of evidence-based and promising services wherever possible; and
8 reinvestment programs targeting the expanded use of community-based
9 alternatives to secure, nonsecure, and pre-disposition custody.

10 (b) The development of comprehensive projections to determine the long-
11 term distribution of placement capacity for youth in the juvenile justice system.

12 (c) An analysis of the impact of the expansion of juvenile jurisdiction to
13 persons seventeen years of age on state agencies and a determination of which
14 state agencies shall be responsible for providing relevant services to juveniles,
15 including but not limited to mental health and substance abuse services,
16 housing, education, and employment.

17 (2) Not later than April 1, 2017, and quarterly thereafter, the committee
18 shall submit a written status report to the commissioner of administration, the
19 president of the Senate, and the speaker of the House of Representatives on
20 implementation of the plan as provided in this Subsection.

21 (3) The committee shall have such powers, authority, and prerogatives
22 as provided for the Juvenile Justice Reform Act Implementation Commission
23 pursuant to R.S. 46:2754, et seq.

24 C. The committee shall be composed of the following members:

25 (1) Each member of the Juvenile Justice Reform Act Implementation
26 Commission shall be an ex officio member.

27 (2) Two sitting Louisiana judges: one appointed by the president of the
28 Louisiana District Judges' Association and one appointed by the president of the
29 Louisiana Committee of Juvenile and Family Court Judges.

30 (3) The deputy secretary of the office of juvenile justice, or his designee.

31 (4) The superintendent of the state Department of Education, or his
32 designee.

33 (5) The executive director of the Louisiana Sheriffs' Association, or his
34 designee.

35 (6) The president of the Louisiana Juvenile Detention Association, or his
36 designee.

37 (7) An attorney appointed by the Louisiana Public Defender Board that
38 is an expert in juvenile defense.

39 (8) The executive director of the governor's Children's Cabinet.

40 (9) The director of the Institute for Public Health and Justice, or his
41 designee.

42 (10) Two child or youth advocates, one appointed by the president pro
43 tempore of the Senate and one appointed by the speaker pro tempore of the
44 House of Representatives.

(11) Two parents of children who have been involved in the juvenile justice system, one appointed by the executive director of the Cecil J. Picard Center for Child Development and Lifelong Learning and one appointed by the executive director of the Children's Coalition for Northeast Louisiana.

(12) An expert in juvenile justice, appointed by the chair of the Children's Code Committee of the Louisiana State Law Institute.

(13) Two youth representatives who have been prosecuted in criminal court at the age of seventeen, one appointed by the executive director of LouisianaChildren.org and one appointed by the executive director of the Family and Youth Counseling Agency of Lake Charles, Louisiana.

(14) A representative of the Police Jury Association of Louisiana.

(15) An attorney appointed by the Louisiana District Attorneys Association that is an expert in juvenile prosecution.

D.(1) All appointments to the committee shall be made not later than thirty days after August 1, 2016. Any vacancy on the committee shall be filled by the respective appointing authority.

(2) The executive director of the governor's Children's Cabinet shall serve as chair of the committee and shall convene the committee no later than sixty days after August 1, 2016.

(3) The members of the committee shall serve without compensation, except the compensation to which they may be individually entitled to as a member or employee of their respective organization or agency.

(4) A majority of the total committee membership shall constitute a quorum and any official action by the committee shall require an affirmative vote of a majority of the quorum present and voting.

(5) The committee shall conduct meetings as it deems necessary to fully and effectively perform its duties and accomplish the objectives and purposes of this Chapter and may receive testimony and information relative to any of the subjects enumerated in this Chapter.

(6) The committee shall terminate on December 31, 2020."

AMENDMENT NO. 9

On page 7, delete lines 24 and 25, and insert the following:

"Section 2. Children's Code Art. 305(A)(2), 306(D), and 804(1) are hereby amended and reenacted and Children's Code Art. 306(G) is hereby enacted to read as follows:

AMENDMENT NO. 10

On page 8, between lines 18 and 19, insert the following:

"G. Notwithstanding any provision of law to the contrary, a child who is subject to criminal jurisdiction pursuant to Article 305 shall not be detained prior to trial in a juvenile detention facility after reaching the age of eighteen if the governing authority with funding responsibility for the juvenile detention facility objects to such detention, unless the judge with criminal jurisdiction orders the child be detained in the juvenile detention facility.

* * *

1 Art. 804. Definitions

2 As used in this Title:

3 (1)(a)"Child" means any person under the age of twenty-one, including an
4 emancipated minor, who commits a delinquent act before attaining seventeen years
5 of age.

6 **(b) After June 30, 2018, "child" means any person under the age of**
7 **twenty-one, including an emancipated minor, who commits a delinquent act on**
8 **or after July 1, 2018, when the act is not a crime of violence as defined in R.S.**
9 **14:2, and occurs before the person attains eighteen years of age.**

10 **(c)(i) After June 30, 2020, "child" means any person under the age of**
11 **twenty-one, including an emancipated minor, who commits a delinquent act on**
12 **or after July 1, 2020, and before the person attains eighteen years of age.**

13 **(ii) Notwithstanding Item (i) of this Subparagraph, a child who is over**
14 **the age of seventeen shall be subject to criminal jurisdiction pursuant to Article**
15 **305 and transferred pursuant to Article 857.**

16 * * *

17 AMENDMENT NO. 11

18 On page 8, delete lines 19 through 25

19 AMENDMENT NO. 12

20 On page 8, line 26, delete "Section 4." and insert "Section 3."

21 AMENDMENT NO. 13

22 On page 9, delete line 13 and insert the following:

23 "Section 4. This Act"

24 AMENDMENT NO. 14

25 On page 9, delete lines 19 through 22

26 AMENDMENT NO. 15

27 On page 9, line 23, delete "Section 6." and insert "Section 5."