

2016 Regular Session

SENATE BILL NO. 302

BY SENATOR MORRELL

CRIMINAL PROCEDURE. Creates the Safe and Fair Return Act of 2016. (8/1/16)

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AN ACT

To amend and reenact Children's Code Arts. 412(C), 905, and 906, and R.S. 15:905(A) and (B), and to enact Children's Code Arts. 412(D)(12), and Part III of Code Title XIV of Chapter 1 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:186.1 through 186.6; to provide relative to juvenile justice; to provide for the release of records; to provide for costs; to provide for presumptions of indigence; to provide for hearings; to provide for legal representation of certain juveniles; to create the Safe Return Program; to provide for data collection and reporting; to provide for standards of representation; to create the Safe Return Representation Program fund; to provide for access to counsel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Arts. 412(C), 905, and 906 are hereby amended and reenacted and Children's Code Arts. 412(D)(12) is hereby enacted to read as follows:

Art. 412. Confidentiality of records; disclosure exceptions; sanctions

* * *

C. Records and reports in individual cases may be released to parties, their counsel or other legal representatives, and court-appointed special advocates

1 (CASAs) in accordance with discovery and disclosure provisions of this Code.

2 Notwithstanding any other provision of law to the contrary, access to review all
3 records and reports concerning a child in the custody of the office of juvenile
4 justice, including but not limited to records relating to condition, housing,
5 supervision, treatment, rehabilitation program, education, health, discipline,
6 transition planning, risk assessments, and status reports shall be promptly
7 provided to counsel enrolled for the child or engaged by the child, or to the
8 child's legal guardian, upon written request to the office of juvenile justice. If
9 the child is indigent, copies of all records and reports relevant to post-
10 dispositional defense and reentry advocacy shall be furnished at no cost to the
11 child, the child's family, legal guardian, or counsel. Representation by a public
12 defender shall create an irrebuttable presumption of indigence for the purposes
13 of this Paragraph.

14 D. When such information is relevant and necessary to the performance of
15 their respective duties and enhances services to the child or his family, the court may
16 authorize the release of records, reports, or certain information contained therein to
17 appropriate individuals representing:

18 * * *

19 (12) A district public defender or the district public defender's
20 representative, or the representative of a public defender program established
21 pursuant to the Louisiana Public Defender Act of 2007.

22 * * *

23 Art. 905. Progress reports to court

24 A. Any institution or agency to which a child is assigned, upon request, shall
25 provide the court any information concerning the condition, supervision, treatment,
26 or rehabilitation program of the child. When such information is provided to the
27 court, it shall also be provided to the state and to counsel for the child at the
28 same time it is provided to the court.

29 B. Any institution, agency, or person to which a child is assigned shall, not

1 less than once every six months, report in writing the whereabouts and condition of
 2 the child to the judge who rendered the judgment of disposition **and to counsel for**
 3 **the child. Such reports shall be provided to the court and counsel for the child**
 4 **not less than 72 hours before any in-court review hearing.**

5 **C. If the child is indigent, the information and reports contemplated by**
 6 **this Article shall be furnished at no cost to the child, the child's family, or to**
 7 **counsel. Representation by a public defender shall create an irrebuttable**
 8 **presumption of indigence for the purposes of this Article.**

9 **D. Information and reports required by this Article may be submitted**
 10 **electronically to the extent practicable.**

11 * * *

12 Art. 906. Required review hearings; ~~commitment to mental institution~~

13 **A. Commitment to mental institution**

14 **(1)** The medical staff of a mental institution to which a child is committed or
 15 placed by the Department of Health and Hospitals after the child has been found not
 16 guilty by reason of insanity or after a court determines that the child lacks mental
 17 capacity to proceed shall review the child's record after the first sixty days, again
 18 after one hundred twenty days of commitment, and every one hundred eighty days
 19 thereafter.

20 ~~B.~~**(2)** The purpose of these reviews is to determine the child's present mental
 21 condition and whether he is presently capable of being discharged, conditionally or
 22 unconditionally, or being placed on probation, without being a danger to others or
 23 himself, or is presently capable of proceeding.

24 ~~C.~~**(3)** The department or the superintendent of the private institution shall
 25 make such recommendations to the court as provided in Article 835 or Article 838.

26 **B. Children in the custody of the office of juvenile justice**

27 **(1) Any child committed by a court to the custody of the office of juvenile**
 28 **justice must be physically transported to the committing court for an in-person**
 29 **review hearing not more than six months after the child's commitment, and at**

1 least every six months thereafter, unless such an in-person hearing is waived by
 2 counsel for the child and by the committing court.

3 (2) The purpose of the hearing shall be to ensure the child is receiving
 4 necessary treatment and services and all terms and conditions of his disposition
 5 are followed. The court may also consider any motions for modification of
 6 disposition pursuant to Article 909 et seq. at the hearings.

7 (3) For the purposes of this Paragraph, a child is deemed "committed by
 8 a court to the custody of the office of juvenile justice" if he is judicially
 9 committed to the legal custody of the office of juvenile justice, regardless of
 10 where the child is physically held, including but not limited to state-run secure
 11 facilities, state-run non-secure facilities, private facilities with which the office
 12 of juvenile justice contracts, and detention centers.

13 * * *

14 Section 2. R. S. 15:905(A) and (B) are hereby amended and reenacted and Part III
 15 of Code Title XIV of Chapter 1 of Title 15 of the Louisiana Revised Statutes of 1950,
 16 comprised of R.S. 15:186.1 through 186.6, is hereby enacted to read as follows:

17 PART III. REPRESENTATION OF CHILDREN IN CUSTODY

18 §186.1. Purpose

19 The purpose of this Part is to provide for an effective and efficient
 20 system of providing qualified legal representation for indigent children
 21 committed to the custody of the office of juvenile justice pursuant to Title VII
 22 and Title VIII of the Louisiana Children's Code and to promote safe return and
 23 reentry for youth in custody.

24 §186.2. Definitions

25 For the purposes of this Part, the following words shall have the
 26 following meanings:

27 (1) "Board" means the Louisiana Public Defender Board, or any
 28 successor to that board, which is authorized to regulate the providing of legal
 29 services to indigent persons in criminal proceedings in which the right to

1 counsel attaches under the United States and Louisiana Constitutions. The
2 board is also authorized to regulate the providing of representation to indigent
3 parents as authorized by this Part.

4 (2) "Custody" means the legal custody of the office of juvenile justice,
5 which follows on commitment by a Louisiana court exercising juvenile
6 jurisdiction to the office of juvenile justice as provided in Titles VII and VIII of
7 the Louisiana Children's Code.

8 (3) "District office" means the office of a district public defender.

9 (4) "District public defender", "chief indigent defender", or "chief
10 public defender" means an attorney employed by or under contract with the
11 board to supervise service providers and enforce standards and guidelines
12 within a judicial district or multiple judicial districts.

13 (5) "Safe Return Program" or "the program" means the Safe Return
14 Representation Program administered pursuant to the Part.

15 (6) "Indigent child representation" means the providing of legal services
16 to indigent children committed to the custody of the office of juvenile justice
17 pursuant to Title VII and Title VIII of the Louisiana Children's Code.

18 (7) "Office of juvenile justice" and "the office" means the Department
19 of Public Safety and Corrections, youth services, office of juvenile justice.

20 (8) "Public defender" or "indigent defender" means an attorney
21 employed by or under contract with the board, the district public defender, or
22 a nonprofit organization contracting with the board or the district public
23 defender to provide representation as required by the provisions of the
24 Louisiana Children's Code.

25 §186.3. Safe Return Representation Program; duties of the board; subject to
26 appropriations

27 A.(1) Subject to appropriation and the availability of other monies to the
28 program, the board shall administer a program to provide qualified legal
29 representation to indigent children committed to the custody of the office of

1 juvenile justice pursuant to Title VII and Title VIII of the Louisiana Children's
2 Code and promote safe return and reentry for youth in custody.

3 (2) Except for the regulatory authority of the Louisiana Supreme Court
4 provided for in Article V, Section 5, of the Louisiana Constitution, the Louisiana
5 Public Defender Board or any successor to that board, shall have all regulatory
6 authority, control, supervision, and jurisdiction, including auditing and
7 enforcement, and all power necessary to administer the program throughout the
8 state.

9 B. In the administration of the Safe Return Program, the board shall:

10 (1) Regularly collect detailed data from judicial districts, where
11 applicable, of workload, resources, employees, and expenditures relating to
12 representation of children in the custody of the office of juvenile justice.

13 (2) Review and evaluate the operations of the program and emphasize
14 special training for counsel representing children in the custody of the office of
15 juvenile justice.

16 (3) Review and approve an annual budget for the program.

17 (4) Review and approve an annual report on the operation of the
18 program and submit such report to the legislature, the governor, and the chief
19 justice of the Louisiana Supreme Court.

20 (5) Submit an annual report to the legislature regarding the state of the
21 program. Such report shall include:

22 (a) Recommendations for changes in the law regarding the board or any
23 regulated activity.

24 (b) A detailed explanation of all revenues and expenditures.

25 (c) Comprehensive workload data regarding the program.

26 (6) Ensure all policies, procedures, and public pronouncements of the
27 board recognize the role of attorneys in safeguarding fundamental rights and
28 promoting the safety, reintegration, and well-being of children in the custody
29 of the office of juvenile justice.

1 **(7) Promote accessible family preservation, medical resources,**
2 **educational resources, substance abuse treatment, vocational training, and**
3 **mental health resources for children in the custody of the office of juvenile**
4 **justice.**

5 **(8) Take such actions as necessary and appropriate to secure private and**
6 **state, federal, or other public funds to help support the program.**

7 **(9) Institute or cause to be instituted legal proceedings as necessary to**
8 **enforce any of the duties or powers of the program.**

9 **(10) Employ and train attorneys and other staff as may be necessary to**
10 **carry out the functions of the program. All attorneys representing indigent**
11 **children through this program shall be licensed to practice law in Louisiana and**
12 **qualified in accordance with the standards and guidelines adopted by rule of the**
13 **board.**

14 **(11) Contract with organizations or individuals for the legal services for**
15 **indigent children in the custody of the office of juvenile justice.**

16 **(12) Administer an efficient and effective statewide program for the**
17 **representation of indigent children which safeguards their rights and facilitates**
18 **timely and fair decision-making concerning safety, reentry, reintegration, and**
19 **well-being.**

20 **(13) Establish and modify a plan of organization to conduct the business**
21 **of regulating and controlling the delivery of program services. The plan of**
22 **organization shall provide for:**

23 **(a) The granting of contracts.**

24 **(b) The review of investigative and audit reports and findings.**

25 **(c) The enforcement of board rules.**

26 **(14) Develop and disseminate standards, procedures, and policies to**
27 **ensure that quality representation of indigent children in the custody of the**
28 **office of juvenile justice is provided consistently throughout the state.**

29 **(15) Prepare and submit to the Joint Legislative Committee on the**

1 Budget not later than March first of each year an annual financial report which
2 outlines the expenditures of all program funds, including local, state, and
3 federal funds, for the previous calendar year.

4 (16) Prepare and submit to the governor, legislative auditor, and
5 legislative fiscal officer, not later than June first of each year an estimate of
6 unexpended balances in every account in the custody of the board.

7 (17) Develop and maintain a comprehensive information system on the
8 revenues received by the board and any district from local, state, and federal
9 sources, as well as the expenditure of any revenue, and submit a summary of the
10 information annually to the legislature.

11 (18) Assign appropriate staff to:

12 (a) Coordinate training and performance evaluation for attorneys
13 representing indigent children pursuant to this Section.

14 (b) Apply for and assist in the disbursement of federal funds or other
15 grant money to aid the statewide program, provided that such gifts, grants, and
16 donations are not otherwise prohibited by law or rule.

17 (c) Assist district public defenders in maintaining compliance with
18 standards and guidelines adopted by the board pursuant to this Section. The
19 board staff shall assist the district public defenders with implementation of
20 standards, guidelines, supervision, policy, and procedures to maintain
21 compliance.

22 (19) Work with public and private representatives, including but not
23 limited to, judges, social service personnel, district attorneys, and service
24 providers to promote sound juvenile justice policy and practice.

25 C. The powers and duties of the board provided for by this Section shall
26 be in addition to the powers and duties provided for in R.S. 15:147.

27 §186.4. Standards and guidelines for representation of indigent children in
28 custody; rulemaking

29 A. The board shall adopt all rules necessary to implement the provisions

1 of this Part.

2 B. The rules shall include mandatory statewide standards and guidelines
3 for the representation of indigent children in the custody of the office of juvenile
4 justice to be provided in a uniform manner and consistent throughout the state.

5 C. All rules and regulations shall be promulgated in accordance with the
6 Administrative Procedure Act and subject to legislative oversight by the House
7 Committee on Health and Welfare and the Senate Committee on Health and
8 Welfare.

9 §186.5. Safe Return Representation Program Fund

10 A. "The Louisiana Safe Return Representation Program Fund",
11 hereafter referred to as "the fund", is hereby created within the state treasury.
12 Interest earned on the investment of monies in the fund shall be deposited into
13 the fund. Unexpended and unencumbered monies in the fund at the close of
14 each fiscal year shall remain in the fund. Monies in the fund shall be
15 appropriated, administered, and used solely as provided in this Section.

16 B. The fund shall be comprised of all monies appropriated by the
17 legislature specifically for the program or other monies made available to the
18 program. All monies required to be deposited in the state treasury in
19 accordance with Article VII, Section 9(A), of the Louisiana Constitution shall
20 be deposited in the fund after first meeting the requirements of Article VII,
21 Section 9(B), of the Louisiana Constitution.

22 C. The fund shall be segregated from all other funds and shall be used
23 solely to provide for the implementation and operation of the Safe Return
24 Representation Program. Monies appropriated to the fund shall also be used to
25 supplement the judicial district indigent defender funds as provided in R.S.
26 15:168 and shall not be used to displace, replace, or supplant monies available
27 for this program or the purpose of providing legal representation to children in
28 the custody of the office of juvenile justice.

29 D. Monies in the fund which have been appropriated to the Louisiana

1 Public Defender Board shall be administered by the Louisiana Public Defender
2 Board, or any successor to that board.

3 E. The board shall not commingle the monies appropriated from the
4 fund with any other monies of the board.

5 §186.6. Implementation of Safe Return Representation Fund

6 A. Subject to appropriation, or the availability of other monies to the
7 program, the board shall develop a program to establish a flexible delivery
8 system that is responsive to jurisdictional variances and local community needs.
9 The board may implement the program incrementally, but full statewide
10 implementation shall be completed not later than July 1, 2017.

11 B. The board shall choose a method of implementation of the Safe
12 Return Representation Program that is efficient, feasible, practicable, and
13 appropriate to provide the best delivery of indigent parent representation.

14 * * *

15 §905. Rules and regulations; education; training and discipline, work opportunities,
16 vocational training, contracts and agreements

17 A. The Department of Public Safety and Corrections, office of juvenile
18 justice, shall have full control of all juvenile institutions, facilities, and programs
19 under its administration and the affairs of such institutions, facilities, and programs
20 and shall adopt all rules and regulations which it deems essential to the proper
21 conduct of these institutions, facilities, and programs. All children in these juvenile
22 institutions, facilities, and programs shall receive appropriate treatment, training, and
23 education commensurate with their needs and abilities. The department may enter
24 into contracts or cooperative agreements to fulfill its obligations to accomplish its
25 goals in the most efficient manner possible.

26 B. The Notwithstanding any other provision of law to the contrary, the
27 deputy secretary for youth services shall establish all rules and regulations for the
28 placement, care, and treatment of a juvenile in the custody of the office of juvenile
29 justice. Such rules and regulations shall include:

1 (1) Provisions for reasonable access to each child in the custody of the
 2 office of juvenile justice for defense counsel and for adequate and confidential
 3 meeting space in each juvenile facility for defense counsel and children they
 4 represent.

5 (2) Provisions for direct, confidential, and readily accessible telephone
 6 or audio-visual connections between each child in the custody of the office of
 7 juvenile justice and their defense counsel. Telephones and audio or visual
 8 connections to counsel shall be available, by reasonable request on a daily basis,
 9 to each child in the custody of the office of juvenile justice at no cost to the child
 10 or their family.

11 (3) For the purposes of this Subsection:

12 (a) A child is deemed "in the custody of the office of juvenile justice" if
 13 he is judicially committed to the Department of Public Safety and Corrections,
 14 youth services, office of juvenile justice, regardless of where the child is
 15 physically held, including but not limited to state-run secure facilities, state-run
 16 non-secure facilities, contracted facilities, and detention centers.

17 (b) A "juvenile facility" is any facility in which a child judicially
 18 committed to the office of juvenile justice is placed, whether the facility is run
 19 directly by the state or contracted by any agency of the state.

20 * * *

21 Section 3. This Act shall be known and may be referred to as the "Safe and Fair
 22 Return Act of 2016".

The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Martha Hess.

SB 302 Reengrossed

DIGEST
 2016 Regular Session

Morrell

Present law provides that records and reports regarding juvenile court matters, except traffic violations, are confidential and shall not be disclosed except records in individual cases which may be released to parties, their counsel, or other representatives when the court finds such information is relevant and necessary to the performance of duties and enhances services to the child.

Proposed law retains present law and provides that access to review the records of a child in the custody of the office of juvenile justice must be provided to the child's counsel or legal guardian upon the request of the office of juvenile justice. Proposed law further provides that representation by a public defender shall create an assumption of indigence and copies of the records and reports relevant to post-dispositional defense and reentry advocacy are to be furnished at no cost to the child, the child's family, legal guardian, or counsel.

Proposed law provides a list of parties that the court may authorize the release of records and reports on a child when it is relevant and necessary to the performance of duties or enhances services to a child or his family.

Proposed law retains present law and adds the district public defender, district public defender's representative, or the representative of a public defender program to the list of individuals to be authorized to receive records and reports in individual cases.

Present law allows an institution or agency to request from the court any information on a child to which it is assigned if the information is concerning the condition, supervision, treatment, or rehabilitation program of the child.

Proposed law retains present law and provides that if an institution or agency receives any information regarding a child to which it is assigned, the state and counsel for the child shall also receive the information.

Present law requires an agency or person to which a child is assigned to report to the judge not less than once every six months on the whereabouts and condition of the child.

Proposed law retains present law and requires an agency or institution to which a child is assigned to also send its report on the whereabouts and condition of the child to the child's counsel.

Proposed law further requires an institution, agency, or person to which a child is assigned to send a report in writing regarding the whereabouts and condition of the child to the court and child's counsel not less than 72 hours before any in-court hearing.

Proposed law provides that if a child is indigent all information and reports regarding the child's whereabouts and condition shall be furnished at no cost to the child, his family, or counsel. Proposed law further creates an irrebuttable presumption of indigence if the child is represented by a public defender.

Present law requires review of a child's record after the first 60 days, after 120 days, and every 180 days after the child's commitment to a mental institution for being found not guilty by reason of insanity or after a court determines that the child lacks mental capacity to proceed to determine if the child is able to be discharged, placed on probation, or capable of proceeding.

Proposed law retains present law and requires an in-person review hearing to occur not more than six months after commitment for a child committed to the custody of the office of juvenile justice, unless waived by counsel.

Proposed law provides that the in-person hearings shall be to ensure the child is receiving necessary treatment and services and consider any motions for modification.

Proposed law further requires the child be physically transported to the committing court for the review hearing.

Proposed law provides a child is deemed "committed by a court to the custody of the office of juvenile justice" if he is judicially committed to the legal custody of the office of juvenile justice, regardless of where the child is physically held.

Proposed law provides the following definitions:

- (1) "Board" means the Louisiana Public Defender Board, or any successor to that board, which is authorized to regulate the providing of legal services to indigent persons in criminal proceedings in which the right to counsel attaches under the United States and Louisiana Constitutions.
- (2) "Custody" means the legal custody of the office of juvenile justice, which follows on commitment by a Louisiana court exercising juvenile jurisdiction to the office of juvenile justice as provided in present law.
- (3) "District office" means the office of a district public defender.
- (4) "District public defender", "chief indigent defender", or "chief public defender" means an attorney employed by or under contract with the board to supervise service providers and enforce standards and guidelines within a judicial district or multiple judicial districts.
- (5) "Safe Return Program" or "the program" means the Safe Return Representation Program administered pursuant to proposed law.
- (6) "Indigent child representation" means the providing of legal services to indigent children committed to the custody of the office of juvenile justice pursuant to present law.
- (7) "Office of juvenile justice" and "the office" means the Department of Public Safety and Corrections, youth services, office of juvenile justice.
- (8) "Public defender" or "indigent defender" means an attorney employed by or under contract with the board, the district public defender, or a nonprofit organization contracting with the board or the district public defender to provide representation as required by the provisions of the Louisiana Children's Code.

Proposed law creates the "Safe Return Representation Program" to provide qualified legal representation to indigent children committed to the custody of the Office of Juvenile Justice and promote safe return and reentry for youth in custody.

Proposed law grants the Louisiana Public Defender Board the power to administer the program and all regulatory authority, control, supervision, and power necessary to administer the program.

Proposed law establishes requirements for the board in the administration of the Safe Return Program. Proposed law requires the board to:

- (1) Regularly collect detailed data from judicial districts, where applicable, of workload, resources, employees, and expenditures relating to representation of children in the custody of the office of juvenile justice.
- (2) Review and evaluate the operations of the program and emphasize special training for counsel representing children in the custody of the office of juvenile justice.
- (3) Review and approve an annual budget for the program.
- (4) Review and approve an annual report on the operation of the program and submit such report to the legislature, the governor, and the chief justice of the Louisiana Supreme Court.
- (5) Submit an annual report to the legislature regarding the state of the program.

- (6) Ensure all policies, procedures, and public pronouncements of the board recognize the role of attorneys in safeguarding fundamental rights and promoting the safety, reintegration, and well-being of children in the custody of the office of juvenile justice.
- (7) Promote accessible family preservation, medical resources, educational resources, substance abuse treatment, vocational training, and mental health resources for children in the custody of the office of juvenile justice.
- (8) Take such actions as necessary and appropriate to secure private and state, federal, or other public funds to help support the program.
- (9) Institute or cause to be instituted legal proceedings as necessary to enforce any of the duties or powers of the program.
- (10) Provide for the employing or contracting with and training of attorneys and other professional and nonprofessional staff that may be necessary to carry out the functions of the program. Require all attorneys representing indigent children through this program shall be licensed to practice law in Louisiana and qualified in accordance with the standards and guidelines adopted by rule of the board.
- (11) Have the ability to contract with organizations or individuals for the legal services for indigent children in the custody of the office of juvenile justice.
- (12) Administer an efficient and effective statewide program for the representation of indigent children which safeguards their rights and facilitates timely and fair decision-making concerning safety, reentry, reintegration, and well-being.
- (13) Establish and modify, a plan of organization to conduct the business of regulating and controlling the delivery of program services.
- (14) Develop and disseminate standards, procedures, and policies that will ensure that quality representation of indigent children in the custody of the office of juvenile justice is provided consistently throughout the state.
- (15) Prepare and submit to the Joint Legislative Committee on the Budget on or before March first of each year an annual financial report which outlines the expenditures of all program funds, including local, state, and federal funds, for the previous calendar year.
- (16) Prepare as of June first of each year, an estimate of unexpended balances in every account in the custody of the board and submit a copy to the governor, the legislative auditor, and the legislative fiscal officer.
- (17) Develop and maintain a comprehensive information system on the revenues received by the board and any district from local, state, and federal sources, as well as the expenditure of any revenue, and submit a summary of the information annually to the legislature.
- (18) Assign appropriate staff to coordinate attorneys and aide in compliance.
- (19) Work with public and private representatives, including but not limited to, judges, social service personnel, district attorneys, and service providers to promote sound juvenile justice policy and practice.

Proposed law grants the board authority to adopt rules necessary to implement the program and requires the rules to include mandatory statewide standards and guidelines for the program and adopted pursuant to the Administrative Procedure Act with legislative

oversight.

Proposed law creates the "Louisiana Safe Return Representation Program Fund" within the state treasury to administer the Safe Return Representation Program to be funded by appropriations from the legislature or any other source.

Proposed law requires the fund to be segregated from all other funds and allows monies in the fund to supplement the judicial district indigent defender funds.

Proposed law provides that monies in the fund which have been appropriated to the Public Defender Board shall be administered by the Public Defender Board and the board shall develop a program to consider establishing a flexible delivery system that is responsive to the jurisdictional variances and local community needs. The board can implement the program incrementally with a full implementation goal of July 1, 2017.

Present law gives the Department of Public Safety and Corrections, office of juvenile justice full control of all juvenile institutions and allowing the deputy secretary to establish rules and treatment plans for juveniles in the care of his department.

Proposed law retains present law and further requires the deputy secretary's rules and regulations to include provisions providing for:

- (1) Reasonable access to each child by defense counsel, and for adequate and confidential meeting space in each juvenile facility for defense counsel and children they represent.
- (2) Direct, confidential, and readily accessible telephone or audio-visual connections, to be provided at no cost to children in custody or to their families, between children and defense counsel designated by the Public Defender Board. Telephones or audio or visual connections to counsel must be available, by reasonable oral request on a daily basis to all children.

Proposed law establishes definitions of:

- (1) A child is deemed "in the custody of the office of juvenile justice" if he is judicially committed to the Department of Public Safety and Corrections, youth services, office of juvenile justice, regardless of where the child is physically held, including but not limited to state-run secure facilities, state-run non-secure facilities, contracted facilities, and detention centers.
- (2) A "juvenile facility" is any facility in which a child judicially committed to the office of juvenile justice is placed, whether the facility is run directly by the state or contracted with by any agency or agencies of the state.

Proposed law allows electronic submission of certain reports whenever practicable.

Effective August 1, 2016.

(Amends Ch.C. Arts. 412(C), 905, 906, and R.S. 15:905(A) and (B); adds Ch.C. Arts. 412(D)(12) and R.S. 15:186.1 - 186.6)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Technical amendments.
2. Deletes requirement that progress reports provided to counsel for a child be made in the same manner as made to the court.
3. Allows for electronic submission of progress reports to courts whenever practicable.
4. Deletes requirement that telephone or audio-visual connections to a child's counsel be made available on an hourly basis.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Retains present law provides that except when a child has been found not guilty by reason of insanity or lacking mental capacity to proceed, DPSC shall have sole authority over the placement, care, treatment, or any other consideration deemed necessary from the resources available for children judicially committed to the department.
2. Retains present law requiring a written, individualized transitional plan be developed with a child and any agency assuming his custody at least six months prior to the child's release and sent to the court, child's counsel, and the district attorney.
3. Removes proposed law requiring that the department provide to each child and his counsel a complete copy of all records regarding the child's condition, supervision, treatment, rehabilitation program, education, health, discipline, and transition planning before or at the time of the child's release. Also removes proposed law that all records shall be furnished at no cost to the child if the child, child's family, legal guardian, or counsel is deemed indigent and representation by a public defender creates an irrebuttable presumption of indigence.
4. Changes deputy secretary's rules and regulations provisions providing for access to each child by defense counsel from daily to reasonable.