

2016 Regular Session

HOUSE BILL NO. 229

BY REPRESENTATIVE SMITH

JUVENILE PROCEDURE: Expands juvenile court jurisdiction in delinquency cases to include seventeen-year-olds

1 AN ACT

2 To amend and reenact Children's Code Articles 804(1), 837(H), 917, and 919(A), relative
3 to juvenile jurisdiction; to provide for legislative findings; to expand juvenile court
4 jurisdiction in delinquency cases to include seventeen-year olds; to amend the
5 definition of "child" for purposes of juvenile court jurisdiction in delinquency cases
6 to include seventeen-year olds; to provide relative to out-of-home placement or
7 commitment for mental health treatment; to provide relative to expungement of
8 records for juvenile criminal conduct; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1.(A) In House Concurrent Resolution No. 73 of the 2015 Regular Session,
11 this legislature requested that the Institute of Public Health and Justice study the current
12 state of the juvenile justice and criminal justice systems to understand the potential impact
13 of raising the age of juvenile jurisdiction to include seventeen-year olds.

14 (B) That study resulted in three primary findings:

15 (1) Seventeen-year olds are developmentally different than adults and have a greater
16 potential for rehabilitation and should be treated as such.

17 (2) The last several years of reform in the Louisiana juvenile system have created
18 a capacity to accept, manage, and rehabilitate these children in a manner that will predictably
19 generate better outcomes than the adult system.

1 (3) The initial impact of fiscal projections are generally lower in those states that
2 have raised the age of juvenile jurisdiction, and those states have found substantial fiscal
3 savings which resulted from these changes.

4 (C) The study concluded that Louisiana should strongly consider raising the age of
5 juvenile jurisdiction to include seventeen-year old offenders. These findings suggest that
6 this change would benefit public safety, promote youth rehabilitation, and create long-term
7 savings.

8 (D) In reviewing the study, the Louisiana Legislature recommends that the following
9 strategies should be considered to ease the transition, promote clarity, and ensure system
10 integrity during an implementation for the jurisdictional change:

11 (1) A one-year planning period should commence immediately after passage of any
12 legislation raising the age of juvenile jurisdiction to assist justice agencies in planning for
13 the processing, managing, and when necessary, housing of youth under the age of eighteen
14 in juvenile facilities.

15 (2) The creation of state and local workshops to resolve technical and procedure
16 issues regarding implementation.

17 (3) Identifying opportunities to connect federal, state, and local funds to support
18 evidence-based, effective programming for older youth in community settings, further
19 developing alternatives to detention, and continuing to develop processes to focus scarce
20 incarceration and re-entry resources on the highest-risk youth.

21 Section 2. Children's Code Articles 804(1), 837(H), 917, and 919(A) are hereby
22 amended and reenacted to read as follows:

23 Art. 804. Definitions

24 As used in this Title:

25 (1) "Child" means any person under the age of twenty-one, including an
26 emancipated minor, who commits a delinquent act before attaining ~~seventeen~~
27 eighteen years of age.

28 * * *

1 Art. 837. Procedure after determination of mental capacity

2 * * *

3 H. An out-of-home placement or commitment shall be in a separate unit and
4 program from an adult forensic program unless the child is ~~seventeen~~ eighteen years
5 of age or older and the court finds, after a contradictory hearing, that the child can
6 be appropriately treated in an adult forensic program.

7 * * *

8 Art. 917. Expungement; generally

9 ~~A person seventeen years of age or older~~ The following persons may move
10 for expungement of records of juvenile criminal conduct pursuant to this Chapter:

11 (1) A person seventeen years of age or older for expungement of records of
12 juvenile criminal conduct committed prior to his seventeenth birthday.

13 (2) A person eighteen years of age or older for expungement of records of
14 juvenile criminal conduct committed prior to his eighteenth birthday.

15 * * *

16 Art. 919. Procedure for expungement

17 A.(1) ~~▲~~ Except as provided in Subparagraph (A)(2) of this Article, a person
18 seventeen years of age or older may move for the expungement of records and
19 reports concerning the person's juvenile criminal conduct or conditions that occurred
20 prior to the person's seventeenth birthday.

21 (2) A person eighteen years of age or older may move for expungement of
22 records and reports concerning the person's juvenile criminal conduct or conditions
23 that occurred prior to the person's eighteenth birthday.

24 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 229 Original

2016 Regular Session

Smith

Abstract: Expands juvenile court jurisdiction in delinquency cases to include 17-year olds.

Present constitution (Ch. C., Art. V, §19) requires the determination of guilt or innocence, the detention, and the custody of person who is alleged to have committed a crime prior to his 17th birthday to be pursuant to special juvenile procedures provided by law.

For purposes of juvenile court jurisdiction in delinquency cases, present law (Ch.C. Art. 804) defines "child" as any person under the age of 21, including an emancipated minor, who commits a delinquent act before attaining 17 years of age.

Proposed law amends this definition, expanding juvenile court jurisdiction in delinquency cases, to include 17-year olds.

Proposed law further amends provisions of present law regarding expungement and placement of a child receiving mental health treatment as part of a delinquency proceeding to reflect this proposed law expansion of juvenile court jurisdiction in delinquency cases to include 17-year olds.

(Amends Ch.C. Art. 804(1), 837(H), 917, and 919(A))