

2018 Regular Session

SENATE BILL NO. 248

BY SENATOR JOHNS

CHILDREN'S CODE. Revises definition of "children" in the Children's Code. (gov sig)

1 AN ACT

2 To amend and reenact Children's Code Art. 804(1), relative to children; to provide certain
3 definitions; to provide certain terms, conditions, and procedures; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Art. 804(1) is hereby amended and reenacted to read as
7 follows:

8 Art. 804. Definitions

9 As used in this Title:

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

13 (b) ~~After June 30, 2018, "child" means any person under the age of twenty-~~
14 ~~one, including an emancipated minor, who commits a delinquent act on or after July~~
15 ~~1, 2018, when the act is not a crime of violence as defined in R.S. 14:2, and occurs~~
16 ~~before the person attains eighteen years of age.~~

17 (c)(i) ~~After June 30, 2020, "child" means any person under the age of twenty-~~

1 ~~one, including an emancipated minor, who commits a delinquent act on or after July~~
 2 ~~1, 2020, and before the person attains eighteen years of age. After March 1, 2019,~~
 3 ~~"child" means any person under the age of twenty-one, including an~~
 4 ~~emancipated minor, who commits a delinquent act on or after March 1, 2019,~~
 5 ~~when the act is not a crime of violence as defined in R.S. 14:2 and occurs before~~
 6 ~~the person obtains eighteen years of age, provided that the office of juvenile~~
 7 ~~justice certifies on or before January 1, 2019, that there is adequate funding and~~
 8 ~~resources available to accommodate the projected increase in caseload.~~

9 (ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained
 10 the age of seventeen shall be subject to criminal jurisdiction pursuant to Article 305
 11 or 857.

12 * * *

13 Section 2. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 effective on the day following such approval.

The original instrument was prepared by Xavier I. Alexander. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

SB 248 Engrossed 2018 Regular Session Johns

Present law provides for the definition of "child" in the Children's Code.

Present law provides that, after June 30, 2018, "child" means any person under the age of 21 including an emancipated minor, who commits a delinquent act on or after July 1, 2018, when the act is not a crime of violence and occurs before the person attains 18 years of age.

Proposed law deletes this language.

Present law provides that after June 30, 2020, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains 18 years of age.

Proposed law deletes this language and provides that after March 1, 2019, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after March 1, 2019, when the act is not a crime of violence as defined in R.S. 14:2 and occurs before the person obtains eighteen years of age, provided that the office of juvenile

justice certifies on or before January 1, 2019, that there is adequate funding and resources available to accommodate the projected increase in caseload.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch.C.Art. 804(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Revises definition to provide language as of March 1, 2019.