

2024 Second Extraordinary Session

SENATE BILL NO. 11

BY SENATOR CATHEY

JUVENILE JUSTICE. Lowers the age for consideration as a juvenile in the criminal justice system. (2/3 - CA5s19) (gov sig) (Item #11)

AN ACT

To amend and reenact Children's Code Art. 804(1), relative to delinquency proceedings and juvenile court jurisdiction; to amend the definition of "child" for purposes of delinquency proceedings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

Art. 804. Definitions

As used in this Title:

(1)(a) ~~"Child"~~ **Before March 1, 2019, and after February 29, 2024, "child"**

means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act before attaining seventeen years of age.

(b) ~~Beginning~~ **From** March 1, 2019, **until June 30, 2020,** "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after March 1, 2019, **until June 30, 2020,** when the act is not a crime of violence as defined in R.S. 14:2, and occurs before the person attains eighteen years of age.

(c)(i) ~~After June 30, 2020~~ **From July 1, 2020, until March 1, 2024**, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, **until March 1, 2024**, and before the person attains eighteen years of age.

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

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 11 Original

2024 Second Extraordinary Session

Cathey

Present law defines "child" for the purposes of delinquency proceedings as 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 terminates the application of present law on March 1, 2024. Proposed law further provides that between March 1, 2019, and June 30, 2020, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act between March 1, 2019, and June 30, 2020, when the act is not a crime of violence and occurs before the person attains 18 years of age. Proposed law further provides that between July 1, 2020, until March 1, 2024, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act between July 1, 2020, and March 1, 2024, and before the person attains 18 years of age.

Proposed law provides that after February 29, 2024, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act before attaining 17 years of age.

Present law provides that a "delinquent act" is an act committed by a child of 10 years of age or older that, if committed by an adult, would be a crime under state or federal law.

Proposed law retains present law.

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

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