

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. (4/19/24) (2/3 - CA5s19) (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 on or after April 19, 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 April 19, 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 April 19, 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.~~

(d) A child who is adjudicated pursuant to this Article shall be offered education services, vocational training, and counseling.

* * *

Section 2. This Act shall become effective on April 19, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or April 19, 2024, whichever is later.

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jonathon Wagner.

DIGEST

SB 11 Reengrossed

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 April 19, 2024. Proposed law further provides that between March 1, 2019, and April 19, 2024, "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 provides that between July 1, 2020, until April 19, 2024, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act between July 1, 2020, and April 19, 2024, and before the person attains 18 years of age.

Proposed law provides that after April 19, 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.

Proposed law requires that educational services, vocational training, and counseling be

offered to incarcerated children.

Effective April 19, 2024.

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

Summary of Amendments Adopted by Senate

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

1. Change date of termination of present law defining "child" for certain purposes from March 1, 2024 to April 19, 2024.
2. Change effective date from governor's signature to April 19, 2024.

Senate Floor Amendments to engrossed bill

1. Require that educational services, vocational training, and counseling be offered to incarcerated children.