

2024 Third Extraordinary Session

SENATE BILL NO. 2

BY SENATORS CLOUD AND MORRIS AND REPRESENTATIVE VILLIO

JUVENILE JUSTICE. Constitutional amendment to provide relative to offenses to which special juvenile procedures are not applicable. (2/3 - CA13s1(A)) (Item #19)

A JOINT RESOLUTION

Proposing to amend Article V, Section 19 of the Constitution of Louisiana, relative to special juvenile proceedings; to provide relative to crimes committed by juveniles; to allow adult prosecution for crimes specified by the legislature; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Section 19 of the Constitution of Louisiana, to read as follows:

§19. Special Juvenile Procedures

Section 19. The determination of guilt or innocence, the detention, and the custody of a person who is alleged to have committed a crime prior to his seventeenth birthday shall be pursuant to special juvenile procedures which shall be provided by law. However, the legislature may (1) by a two-thirds vote of the elected members of each house provide that special juvenile procedures shall not apply to juveniles arrested for ~~having committed first or second degree murder, manslaughter,~~

1 ~~aggravated rape, armed robbery, aggravated burglary, aggravated kidnapping,~~
2 ~~attempted first degree murder, attempted second degree murder, forcible rape, simple~~
3 ~~rape, second degree kidnapping, a second or subsequent aggravated battery, a second~~
4 ~~or subsequent aggravated burglary, a second or subsequent offense of burglary of an~~
5 ~~inhabited dwelling, or a second or subsequent felony-grade violation of Part X or~~
6 ~~X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, involving~~
7 ~~the manufacture, distribution, or possession with intent to distribute controlled~~
8 ~~dangerous substances~~ **any crime specified by act of the legislature**, and (2) by
9 two-thirds vote of the elected members of each house lower the maximum ages of
10 persons to whom juvenile procedures shall apply, and (3) by two-thirds vote of the
11 elected members of each house establish a procedure by which the court of original
12 jurisdiction may waive special juvenile procedures in order that adult procedures
13 shall apply in individual cases. The legislature, by a majority of the elected members
14 of each house, shall make special provisions for detention and custody of juveniles
15 who are subject to the jurisdiction of the district court pending determination of guilt
16 or innocence.

17 Section 2. Be it further resolved that this proposed amendment shall be submitted to
18 the electors of the state of Louisiana at the statewide election to be held on November 15,
19 2025, or a statewide election authorized by law, whichever occurs first.

20 Section 3. Be it further resolved that on the official ballot to be used at said election
21 there shall be printed a proposition, upon which the electors of the state shall be permitted
22 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
23 follows:

24 Do you support an amendment to provide the legislature the authority to
25 determine which crimes, when committed by a person under the age of
26 seventeen, may be transferred for criminal prosecution as an adult?

27 (Amends Article V, Section 19)

The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Angela Lockett-De Jean.

DIGEST

SB 2 Reengrossed

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Cloud

Present constitution requires that the determination of guilt or innocence, the detention, and the custody of a person who is alleged to have committed a crime prior to his 17th birthday be pursuant to special juvenile procedures as provided by law.

Proposed constitutional amendment retains present constitution.

Present constitution authorizes the legislature, by a 2/3rds vote of each house, to provide that special juvenile procedures not apply to juveniles arrested for having committed any of the following offenses:

- (1) 1st or 2nd degree murder.
- (2) Manslaughter.
- (3) Aggravated rape.
- (4) Armed robbery.
- (5) Aggravated burglary.
- (6) Aggravated kidnapping.
- (7) Attempted 1st degree murder.
- (8) Attempted 2nd degree murder.
- (9) Forcible rape.
- (10) Simple rape.
- (11) 2nd degree kidnapping.
- (12) A second or subsequent aggravated battery.
- (13) A second or subsequent aggravated burglary.
- (14) A second or subsequent offense of burglary of an inhabited dwelling.
- (15) A second or subsequent felony-grade violation of the Uniform Controlled Dangerous Substances Law or prohibited transactions in drug-related objects, involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances.

Proposed constitutional amendment removes the list of offenses contained in present constitution and provides that special juvenile procedures not apply to juveniles arrested for having committed any crime provided by law, subject to authorization of the legislature, by a 2/3rds vote of each house.

Present constitution authorizes the legislature, by 2/3rds vote of each house, to lower the maximum ages of persons to whom juvenile procedures apply.

Proposed constitutional amendment retains present constitution.

Present constitution authorizes the legislature, by 2/3rds vote of each house, to establish a procedure by which the court of original jurisdiction may waive special juvenile procedures in order that adult procedures apply in individual cases.

Proposed constitutional amendment retains present constitution.

Present constitution requires the legislature, by a majority of each house, to make special provisions for detention and custody of juveniles who are subject to the jurisdiction of the district court pending determination of guilt or innocence.

Proposed constitutional amendment retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 15, 2025, or a statewide election authorized by law, whichever occurs first.

(Amends Const. Art. V, Sec. 19)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes technical changes.