

SENATE BILL NO. 4

BY SENATOR CLOUD AND REPRESENTATIVES CREWS AND MIKE JOHNSON
AND SENATOR SEABAUGH

1 AN ACT

2 To amend and reenact Children's Code Art. 897.1(B), (C), (D), and (E), relative to the
3 sentencing of a juvenile after adjudication for certain offenses; to provide relative to
4 modification of sentences; to provide relative to crimes of violence; to provide for
5 terms, conditions, and procedures; to provide an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Art. 897.1(B), (C), (D), and (E) are hereby amended and
9 reenacted to read as follows:

10 Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

11 * * *

12 B. After adjudication of a felony-grade delinquent act based upon a violation
13 of R.S. 14:42, first degree rape, or R.S. 14:44, aggravated kidnapping, the court shall
14 commit the child who is fourteen years or older at the time of the commission of the
15 offense to the custody of the Department of Public Safety and Corrections to be
16 confined in secure placement until the child attains the age of twenty-one years
17 without benefit of probation, or suspension of imposition or execution of sentence,
18 **or modification of sentence.**

19 C. ~~After~~ **Except as provided in Paragraphs A and B of this Article,**
20 **after** adjudication of a felony-grade delinquent act based upon a violation of R.S.
21 14:64, armed robbery, or R.S. 14:64.2, carjacking, **or for a second or subsequent**
22 **offense that is a crime of violence, as defined in R.S. 14:2(B),** the court shall
23 commit the child who is fourteen years of age or older at the time of the commission
24 of the offense to the custody of the Department of Public Safety and Corrections, **or**
25 **to the custody of a secure public or private institution,** to be confined in secure
26 placement without benefit of probation or suspension of imposition or execution of

1 sentence.

2 D. Juveniles **confined** in secure care **placement** for an adjudication for a
3 violation of R.S. 14:42 or 44 shall be eligible for modification after serving thirty-six
4 months of the disposition. Juveniles in secure care for an adjudication for a violation
5 of R.S. 14:64 or 64.2 **as set forth in Paragraph C of this Article** shall be eligible
6 for modification after serving ~~thirty-six months of the disposition or, if the~~
7 ~~disposition is less than thirty-six months, two-thirds~~ **twenty-four months** of the
8 disposition **or if the disposition is less than thirty-six months, one-half of the**
9 **disposition.**

10 E. A motion for modification of a disposition shall be filed pursuant to
11 Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days
12 from the date of notice to the district attorney. To grant a motion for modification of
13 disposition, the court must find that the child poses a reduced risk to the community
14 based on the following considerations:

15 **(1) The child has a favorable progress report from the placement**
16 **facility.**

17 **(2) The child meets one of the following work or self-improvement**
18 **criteria:**

19 **(a) Has attained a high school diploma or equivalent.**

20 **(b) Is actively participating in workforce training or a certification**
21 **program and is in good standing as evidenced by grades and behavior notes**
22 **submitted by the child's instructors.**

23 ~~(1) The most recent risk assessment conducted~~ **(3) The child has obtained**
24 **a low-risk designation as determined by a valid risk assessment procedure**
25 **approved** by the office of juvenile justice.

26 ~~(2)~~ ~~(4)~~ The recommendation of the office of juvenile justice.

27 ~~(3)~~ **(5)** A reentry plan that includes an appropriate placement to conduct
28 supervision and achieve aftercare goals.

29 ~~(4)~~ **(6)** Any additional evidence provided by the child, the state, or the office
30 of juvenile justice.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

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Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.