

2022 Regular Session

SENATE BILL NO. 234

BY SENATOR JACKSON

JUVENILE JUSTICE. Constitutional amendment to allow adult prosecution and enhanced penalties against juveniles in correctional facilities who commit assault or battery against an employee or juvenile. (2/3 - CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article V, Section 19 of the Constitution of Louisiana, relative to special juvenile proceedings; to provide relative to offenses committed by juveniles; to allow adult prosecution and enhanced penalties for certain assault and battery offenses; 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, aggravated rape, armed robbery, aggravated burglary, aggravated kidnapping, attempted first degree murder, attempted second degree murder, forcible rape, simple rape, second degree kidnapping, **battery of a correctional facility employee, any battery committed upon a juvenile detained in a correctional facility, any assault committed upon a correctional facility employee or juvenile detained in a correctional facility,** a second or subsequent aggravated battery, a second or subsequent aggravated burglary, a second or subsequent offense of burglary of an inhabited dwelling, or a second or subsequent felony-grade violation of Part X or X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances, and (2) by two-thirds vote of the elected members of each house lower the maximum ages of persons to whom juvenile procedures shall apply, and (3) by two-thirds vote of the elected members of each house establish a procedure by which the court of original jurisdiction may waive special juvenile procedures in order that adult procedures shall apply in individual cases. The legislature, by a majority of the elected members of each house, shall 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.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2022.

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

Do you support an amendment to add the crimes of battery of a correctional facility employee, battery when the victim is a juvenile detained in a correctional facility, assault when the victim is a correctional facility employee or a juvenile detained in a correctional facility to the list of crimes

1 to which special juvenile procedures shall not apply?

2 (Amends Const. Article V, Section 19)

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

DIGEST

SB 234 Engrossed

2022 Regular Session

Jackson

Present constitution allows for the determination of guilt or innocence, the detention, and the custody of a juvenile pursuant to special juvenile procedures, except where the legislature has by two-thirds vote indicated certain crimes do not require special juvenile procedures.

Proposed constitutional amendment retains present constitution and adds the crimes of battery of a correctional facility employee, battery when the victim is a juvenile detained in a correctional facility, and assault when the victim is a correctional facility employee or a juvenile detained in a correctional facility to the list of offenses to which special juvenile procedures need not apply.

Specifies submission of the amendment to the voters at the statewide election to be held on 11/8/22.

(Amends Const. Art. V, Section 19)