

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 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,

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, aggravated battery committed upon a
4 correctional facility employee, aggravated second degree battery committed
5 upon a correctional facility employee, second degree battery committed upon
6 a correctional facility employee, simple battery committed upon a correctional
7 facility employee, battery of a correctional facility employee, aggravated battery
8 committed upon a juvenile detained in a correctional facility, aggravated second
9 degree battery committed upon a juvenile detained in a correctional facility,
10 second degree battery committed upon a juvenile detained in a correctional
11 facility, simple battery committed upon a juvenile detained in a correctional
12 facility, aggravated escape, simple escape when the juvenile has caused damage
13 to the facility which amounts to a value exceeding one thousand dollars, a second
14 or subsequent aggravated battery, a second or subsequent aggravated burglary, a
15 second or subsequent offense of burglary of an inhabited dwelling, or a second or
16 subsequent felony-grade violation of Part X or X-B of Chapter 4 of Title 40 of the
17 Louisiana Revised Statutes of 1950, involving the manufacture, distribution, or
18 possession with intent to distribute controlled dangerous substances, and (2) by
19 two-thirds vote of the elected members of each house lower the maximum ages of
20 persons to whom juvenile procedures shall apply, and (3) by two-thirds vote of the
21 elected members of each house establish a procedure by which the court of original
22 jurisdiction may waive special juvenile procedures in order that adult procedures
23 shall apply in individual cases. The legislature, by a majority of the elected members
24 of each house, shall make special provisions for detention and custody of juveniles
25 who are subject to the jurisdiction of the district court pending determination of guilt
26 or innocence.

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

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

5 Do you support an amendment to add the crimes of aggravated battery
6 committed upon a correctional facility employee, aggravated second degree
7 battery committed upon a correctional facility employee, second degree
8 battery committed upon a correctional facility employee, simple battery
9 committed upon a correctional facility employee, battery of a correctional
10 facility employee, aggravated battery committed upon a juvenile detained in
11 a correctional facility, aggravated second degree battery committed upon a
12 juvenile detained in a correctional facility, second degree battery committed
13 upon a juvenile detained in a correctional facility, simple battery committed
14 upon a juvenile detained in a correctional facility, aggravated escape, simple
15 escape when the juvenile has caused damage to the facility which amounts
16 to a value exceeding one thousand dollars to the list of crimes to which
17 special juvenile procedures shall not apply?

18 (Amends Const. Article V, Section 19)

The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jacob Wilson.

SB 234 Reengrossed

DIGEST
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 aggravated battery, aggravated second degree battery, second degree battery, and simple battery, when committed against a correctional facility employee or a juvenile detained in a correctional facility, battery of a correctional facility employee, aggravated escape, and simple escape when the juvenile has caused damage to the facility exceeding \$1,000 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)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Enumerates additional crimes for which, by a two-thirds vote, the legislature may provide that special juvenile procedures do not apply.
2. Adds enumerated crimes to official ballot.
3. Makes technical change.