

BY SENATORS CLOUD AND MORRIS AND REPRESENTATIVE VILLIO

A JOINT RESOLUTION

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

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

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

23 Do you support an amendment to provide the legislature the authority to
24 determine which crimes, when committed by a juvenile, may be transferrable
25 for adult prosecution?

26 (Amends Article V, Section 19)

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

DIGEST

SB 2 Original

2024 Third Extraordinary Session

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)