HLS 21RS-514 ORIGINAL

2021 Regular Session

HOUSE BILL NO. 52

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BY REPRESENTATIVE VILLIO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUVENILE PROCEDURE: (Constitutional Amendment) Adds aggravated battery committed with a firearm to the list of crimes for which special juvenile procedures are not required

A JOINT RESOLUTION

Proposing to amend Article V, Section 19 of the Constitution of Louisiana, relative to special juvenile procedures; to add aggravated battery committed with a firearm to the list of crimes for which the legislature is authorized to exempt from special juvenile procedures; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

Section I. 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 of Louisiana, 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

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

rape, simple rape, second degree kidnapping, aggravated battery committed with a
firearm, 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 the 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 authorizing the legislature to allow juveniles
to be prosecuted as adults for the crime of aggravated battery committed with
a firearm? (Amends Article V, Section 19)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 52 Original

2021 Regular Session

Villio

Abstract: Adds aggravated battery committed with a firearm to the list of crimes for which the legislature is authorized to exempt from special juvenile procedures.

<u>Present constitution</u> provides 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 shall be pursuant to special juvenile procedures which shall be provided by law.

<u>Present constitution</u> further authorizes the legislature to provide, by two-thirds vote of the elected members of each house, that special juvenile procedures shall not apply to juveniles arrested for having committed certain offenses including but not limited to first degree murder, second degree murder, a second or subsequent offense aggravated battery, or a second or subsequent offense of aggravated burglary.

<u>Proposed constitution</u> amends the <u>present constitution</u> to add aggravated battery committed with a firearm to the list of offenses for which the legislature is authorized to exempt, by two-thirds vote of the elected members of each house, from special juvenile procedures.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 8, 2022.

(Amends Const. Art. V, §19)