

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

15 Section 2. Be it further resolved that this proposed amendment shall be submitted
16 to the electors of the state of Louisiana at the statewide election to be held on November 8,
17 2022.

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

22 Do you support an amendment authorizing the legislature to allow juveniles
23 to be prosecuted as adults for the crime of aggravated battery committed with
24 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.

Present constitution 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.

Present constitution 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.

Proposed constitution amends the present constitution 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)