

SENATE BILL NO. 106

BY SENATOR MORRELL

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AN ACT

To amend and reenact Children's Code Art. 898(B)(1) and (2) and (C)(1)(a) and (2) and 906(B)(1) and to enact Children's Code Art. 898(B)(4) and 906(B)(4), relative to juvenile justice; to provide relative to the duration of a disposition based on a felony-grade adjudication; to provide relative to modification of dispositions; to provide for hearings; to provide for applicability; to provide for the scheduling of hearings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 898(B)(1) and (2) and (C)(1)(a) and (2) and 906(B)(1) are hereby amended and reenacted and Children's Code Art. 898(B)(4) and 906(B)(4) are hereby enacted to read as follows:

Art. 898. Duration of a disposition based on a felony-grade adjudication

\* \* \*

B. If a child is adjudicated delinquent for a felony-grade offense that is not a crime of violence as defined in R.S. 14:2 and is committed to the custody of the Department of Public Safety and Corrections pursuant to Article 897(D):

(1) The total duration of the commitment served shall not exceed nine months, including credit for time spent in secure detention prior to the imposition of the disposition unless all of the following conditions are met:

(a) The child is brought in person before the court for a contradictory modification hearing, pursuant to Article 909 et seq., before the lapse of the maximum duration of the initial nine-month commitment. **The hearing date shall be set by the court at the time of disposition.**

(b) The court finds by clear and convincing evidence that ~~continued out-of-home placement is necessary for completion of the child's treatment~~ **the child's treatment cannot be accessed and completed in a less restrictive setting.**

(2) If the child's commitment is continued beyond ~~eighteen~~ **nine** months, a contradictory modification hearing shall occur ~~not less than every six months from the date of the disposition~~ **on the date of the hearings scheduled as required by Article 906(B)(1)**. At any such hearing, ~~if the child shall be released unless the court determines extending the child's out-of-home placement is not necessary to complete treatment, the child shall be released~~ **by clear and convincing evidence that the child's treatment cannot be accessed and completed in a less restrictive setting**. The total duration of disposition shall not exceed the maximum provided in this Article.

\* \* \*

**(4) The provisions of this Paragraph shall apply to all children in the custody of the office of juvenile justice on and after August 1, 2018. If a child in the custody of the office of juvenile justice on August 1, 2018, has not had a hearing scheduled pursuant to this Paragraph, the court shall schedule a hearing no later than September 30, 2018, and, if a child is eligible for a hearing, the hearing shall take place no later than October 30, 2018.**

C. If a child is adjudicated delinquent for a felony-grade offense that is not a crime of violence as defined in R.S. 14:2 and is placed on probation:

(1) The duration of the probation shall not exceed eighteen months unless all of the following conditions are met:

(a) The child is brought in person before the court for a contradictory modification hearing, as provided in Article 909 et seq., before the lapse of the maximum duration of the initial eighteen-month probationary period. **The hearing date shall be set by the court at the time of disposition.**

\* \* \*

(2) If probation is continued beyond eighteen months, a contradictory modification hearing shall occur not less than every six months from the disposition. At any such hearing, if the court determines **by clear and convincing evidence that** extending the child's probation is not necessary to complete treatment, the child shall be released. The total duration of disposition shall not exceed the maximum provided

1 in this Article.

2 \* \* \*

3 Art. 906. Required review hearings

4 \* \* \*

5 B. Children in the custody of the office of juvenile justice.

6 (1) Any child committed by a court to the custody of the office of juvenile  
7 justice must be physically transported to the committing court for an in-person  
8 review hearing not more than six months after the child's commitment, and at least  
9 every six months thereafter, unless such an in-person hearing is waived by counsel  
10 for the child and by the committing court. **The date of the initial review hearing**  
11 **shall be set by the court at the time of disposition.**

12 \* \* \*

13 **(4) The provisions of this Paragraph shall apply to all children in the**  
14 **custody of the office of juvenile justice on and after August 1, 2018. If a child in**  
15 **the custody of the office of juvenile justice on August 1, 2018, has not had a**  
16 **hearing scheduled pursuant to this Paragraph, the court shall schedule a**  
17 **hearing no later than September 30, 2018, and, if a child is eligible for a hearing,**  
18 **the hearing shall take place no later than October 30, 2018.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_