

2024 Regular Session

SENATE BILL NO. 179

BY SENATOR JACKSON-ANDREWS

JUVENILES. Constitutional amendment to provide for dual sentencing of juveniles. (2/3 - CA5s19)

A JOINT RESOLUTION

Proposing to amend Article V, Section 19 of the Constitution of Louisiana, relative to special juvenile procedures; to provide that the legislature may implement dual sentencing of juveniles convicted of a felony as adults; to provide that dual sentencing shall mean that a juvenile convicted of a felony as an adult shall receive both a juvenile sentence and an adult sentence; to provide that the adult portion of a dual sentence shall be served consecutively to the juvenile portion; to provide that the adult portion of a dual sentence commence when a juvenile convicted of a felony as an adult turns twenty-one; to provide that dual sentencing shall apply only to juveniles tried as adults under current law; 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

1 custody of a person who is alleged to have committed a crime prior to his
2 seventeenth birthday shall be pursuant to special juvenile procedures which shall be
3 provided by law. However, the legislature may (1) by a two-thirds vote of the elected
4 members of each house provide that special juvenile procedures shall not apply to
5 juveniles arrested for having committed first or second degree murder, manslaughter,
6 aggravated rape, armed robbery, aggravated burglary, aggravated kidnapping,
7 attempted first degree murder, attempted second degree murder, forcible rape, simple
8 rape, second degree kidnapping, a second or subsequent aggravated battery, a second
9 or subsequent aggravated burglary, a second or subsequent offense of burglary of an
10 inhabited dwelling, or a second or subsequent felony-grade violation of Part X or X-
11 B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, involving the
12 manufacture, distribution, or possession with intent to distribute controlled
13 dangerous substances, ~~and~~ (2) by two-thirds vote of the elected members of each
14 house lower the maximum ages of persons to whom juvenile procedures shall apply,
15 ~~and~~ (3) by two-thirds vote of the elected members of each house establish a
16 procedure by which the court of original jurisdiction may waive special juvenile
17 procedures in order that adult procedures shall apply in individual cases, **and (4) by**
18 **a majority vote of the elected members of each house, establish procedures**
19 **implementing dual sentencing for juveniles requiring that a juvenile, who is**
20 **convicted as an adult for a felony offense, receive both a juvenile and an adult**
21 **sentence to be served consecutively when he turns twenty-one.** The legislature,
22 by a majority of the elected members of each house, shall make special provisions
23 for detention and custody of juveniles who are subject to the jurisdiction of the
24 district court pending determination of guilt or innocence.

25 Section 2. Be it further resolved that this proposed amendment shall be submitted to
26 the electors of the state of Louisiana at the statewide election to be held on November 5,
27 2024.

28 Section 3. Be it further resolved that on the official ballot to be used at said election
29 there shall be printed a proposition, upon which the electors of the state shall be permitted

1 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
2 follows:

3 Do you support an amendment allowing the state legislature to develop
4 procedures requiring that adjudicated felony-grade delinquents receive both
5 a juvenile and an adult sentence so that the adult sentence is served
6 consecutively to the juvenile sentence when the offender turns twenty-one?
7 (Amends Article V, Section 19)

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

DIGEST

SB 179 Original

2024 Regular Session

Jackson-Andrews

Present constitution provides that special juvenile procedures apply relative to the guilt or innocence, detention, and custody of juveniles alleged to have committed a crime prior to turning 17.

Present constitution provides that the legislature may, by a 2/3 vote of each house, provide that special juvenile procedures do not apply when the juvenile is accused of certain felonies.

Present constitution provides that the legislature may, by a 2/3 vote of each house, lower the maximum age of persons to whom juvenile procedures shall apply and establish a procedure by which courts may waive special juvenile procedures in favor of adult procedures on a case-by-case basis.

Present constitution provides that the legislature, by a majority vote of each house, will make special provisions for the detention and custody of certain juveniles.

Proposed constitutional amendment provides that the legislature, by a majority vote of each house, may implement procedures requiring that a juvenile, who is convicted as an adult for a felony offense, receive both a juvenile and a consecutive adult sentence to be served when offender turns 21.

Proposed constitutional amendment otherwise retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 5, 2024.

(Amends Const. Art. V, Sec. 19)