

SENATE BILL NO. 469

BY SENATORS DUPRE, AMEDEE, DORSEY, DUPLESSIS AND MOUNT

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AN ACT

To enact the Children's Code Article 857(C) and the Code of Criminal Procedure Article 876, relative to criminal procedure; to provide for sentencing of adults for certain crimes committed as a child; to provide for certain adults charged for crimes committed as a child; to provide for requirements of sentencing; to provide terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 857(C) is hereby enacted to read as follows:

Art. 857. Transfers for criminal prosecution; authority

* * *

C.(1) An adult who is charged with an offense committed at the time he was a child for which the time limitation for the institution of prosecution pursuant to Code of Criminal Procedure Art. 571 has not lapsed and for which he was subject to prosecution as an adult due to his age at the time the offense was committed may be prosecuted as an adult in the appropriate court exercising criminal jurisdiction. If convicted, he shall be punished as an adult as provided by law.

(2) An adult who is charged with an offense committed at the time he was a child for which the time limitation for the institution of prosecution pursuant to Code of Criminal Procedure Art. 571 has not lapsed and for which he was not subject to prosecution as an adult due to his age at the time the offense was committed may be prosecuted as an adult in the appropriate court exercising criminal jurisdiction. If convicted, he shall be committed to the custody of the Department of Public Safety and Corrections to be confined in secure placement for a period of time as determined by the court not to exceed

1 the maximum amount of confinement he could have been ordered to serve had
2 he been adjudicated for the offense as a child at the time the offense was
3 committed.

4 Section 2. Code of Criminal Procedure Art. 876 is hereby enacted to read as follows:

5 Art. 876. Sentence for crime committed as a child

6 A. An adult who is charged with an offense committed at the time he
7 was a child for which the time limitation for the institution of prosecution
8 pursuant to Article 571 has not lapsed and for which he was subject to
9 prosecution as an adult due to his age at the time the offense was committed
10 may be prosecuted as an adult in the appropriate court exercising criminal
11 jurisdiction. If convicted, he shall be punished as an adult as provided by law.

12 B. An adult who is charged with an offense committed at the time he was
13 a child for which the time limitation for the institution of prosecution pursuant
14 to Article 571 has not lapsed and for which he was not subject to prosecution as
15 an adult due to his age at the time the offense was committed may be prosecuted
16 as an adult in the appropriate court exercising criminal jurisdiction. If
17 convicted, he may be committed to the custody of the Department of Public
18 Safety and Corrections to be confined in secure placement for a period of time
19 as determined by the court not to exceed the maximum amount of confinement
20 he could have been ordered to serve had he been adjudicated for the offense as
21 a child at the time the offense was committed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____