AN ACT

To amend and reenact R.S. 15:902.3(A), 905(A), (B), (C), and (D), 921(C), 1097.1(A)(5), and 1106.1(A)(2)(i), R.S. 17:100.1(A)(1) and (C) and 419.2(A), R.S. 24:933(B)(8), R.S. 28:621(A), R.S. 36:401(C)(1)(b)(iii), 405(D)(3) and (6), 407(B), 408(H)(1) and (2)(b), (c), (d), and (f), R.S. 39:1482(F)(1)(introductory paragraph), and R.S. 46:2404(B)(3)(c), 2605(B)(19), 2605.3(A)(4), 2755(B)(3) and 2757(B) and to enact R.S. 15:902.4 and R.S. 46:2755(B)(4) and (C)(6), relative to the Juvenile Justice Reform Act Implementation Commission; to provide for membership, powers, duties, and functions of the Juvenile Justice Reform Act Implementation Commission; to provide for the office of youth development; to provide for the closure of Jetson Youth Center-East Baton Rouge Parish Unit; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:902.3(A), 905(A), (B), (C), and (D), 921(C), 1097.1(A)(5), and 1106.1(A)(2)(i) are hereby amended and reenacted and R.S. 15:902.4 is hereby enacted to read as follows:

§902.3. Juvenile placement review process

A. The legislature hereby finds that in order to improve our juvenile justice system it is necessary that every juvenile in the custody of the Department of Public Safety and Corrections be reviewed periodically in order to determine whether the...
juvenile is placed in the least restrictive placement most appropriate to their needs
and consistent with the circumstances of the case and the protection of the best
interests of society and the safety of the public within the state. In order to facilitate
the transition of the Swanson Correctional Center for Youth-Madison Parish Unit
and Jetson Center for Youth-East Baton Rouge Parish Unit to alternate adult
offender utilization as provided in R.S. 15:902.2, the provisions of this Section shall
be applicable.

§902.4. Closure of Jetson Center for Youth-East Baton Rouge Parish Unit as
a facility for juveniles

A.(1) By June 30, 2009, the Jetson Center for Youth-East Baton Rouge
Parish Unit shall no longer be used as a juvenile facility.

(2) Notwithstanding any provision of Paragraph (A)(1) of this
Subsection, the governor by executive order and upon a declaration that there
is a public safety emergency which necessitates the use of Jetson Center for
Youth-East Baton Rouge Parish Unit as a juvenile facility may extend the
closure date by a period not to exceed five months from the date of issuance of
the declaration of emergency. Under no circumstances shall Jetson Center for
Youth-East Baton Rouge Parish Unit be used as a juvenile facility after
November 30, 2009.

(3) No provision of this Subsection shall prohibit the department from
closing Jetson Center for Youth-East Baton Rouge Parish Unit at any time prior
to June 30, 2009, should the protection and public safety of society permit.

B.(1) The Department of Public Safety and Corrections, office of
juvenile justice shall develop a comprehensive plan for transitioning of these
youth based upon the health, safety, and best interests of each child and the
protection and public safety of society. The comprehensive plan shall include
the following:

(a) A specific plan for provision of aftercare services to meet the needs
of juveniles for whom release to the community is recommended and to provide
for safety to the community.

(b) A specific date after which youths adjudicated delinquent and committed to the department shall no longer be assigned or reassigned to Jetson Center for Youth-East Baton Rouge Parish Unit.

c) The plan shall permit the funds spent at Jetson Center for Youth-East Baton Rouge Parish Unit to be reallocated or transferred within the office of juvenile justice in proportion to the youth reassigned from Jetson to such programs.

d) The plan shall include recommendations for an alternative use of the facility and property of the former Jetson Center for Youth-East Baton Rouge Parish Unit, such as a productive reentry center managed by the Department of Public Safety and Corrections provided that all youth offenders will be treated in a humane manner.

e) A recommendation for implementation and funding for three regional youth centers with populations not to exceed forty-eight youths and housing units not to exceed twelve youths. Each center shall execute effective educational and therapeutic practices.

(f) The Department of Public Safety and Corrections, office of juvenile justice, in conjunction with the Juvenile Justice Reform Act Implementation Commission shall develop a comprehensive needs assessment plan for determining the quantity and location of additional community-based treatment and supervision programs for youth within the Louisiana juvenile justice system.

g) The plan shall include recommendations for the development of operating procedures to ensure that the violence and other documented problems that occurred at the Jetson Center for Youth-East Baton Rouge Parish Unit are not replicated at another or other facilities where the youth are transferred.

(h) The plan shall include a study concerning the feasibility of dispersing youth to multiple facilities if they have been adjudicated delinquent for a crime
of violence or who have documented histories of violence since being placed at
the Jetson facility.

(2) The secretary of the department shall submit the plan on or before
September 1, 2008, to the governor, to the Joint Legislative Committee on the
Budget, and to the Juvenile Justice Reform Act Implementation Commission
created by R.S. 46:2751 et seq.

(3) Beginning on January 1, 2009, and every month thereafter until such
time as Jetson Center for Youth-East Baton Rouge Parish Unit is discontinued
as a juvenile facility, the department shall submit to the Juvenile Justice Reform
Act Implementation Commission a status report detailing the following items:

(a) The total number of youths in the facility.

(b) The number of youths transitioned out of the facility and the facility
to which the child was transferred.

(c) The number of youths, if any, placed in the facility, and the reason for
this placement as opposed to placement in another juvenile facility, subject to
applicable confidentiality requirements.

(d) Other information requested by the commission.

C. The Juvenile Justice Reform Act Implementation Commission shall
make recommendations to the governor and legislature, including the Joint
Legislative Committee on the Budget, prior to the 2009 Regular Session of the
Legislature, regarding suggested executive action or required legislation and
funding for juvenile justice services, facilities, and personnel.

D. The Department of Public Safety and Corrections shall give a hiring
preference to any employee who has been involuntarily dismissed as the result
of the closure of the Jetson Center for Youth-East Baton Rouge Unit to fill an
opening in the workforce of the office of juvenile justice for which that
employee is qualified.

* * *

§905. Rules and regulations; education; training and discipline, work opportunities,
vocational training, contracts and agreements
A. The Department of Public Safety and Corrections, office of youth development office of juvenile justice, shall have full control of all juvenile institutions, facilities, and programs under its administration and the affairs of such institutions, facilities, and programs and shall adopt all rules and regulations which it deems essential to the proper conduct of these institutions, facilities, and programs. All children in these juvenile institutions, facilities, and programs shall receive appropriate treatment, training, and education commensurate with their needs and abilities. The department may enter into contracts or cooperative agreements to fulfill its obligations to accomplish its goals in the most efficient manner possible.

B. The deputy secretary for youth services shall establish all rules and regulations for the placement, care, and treatment of a juvenile in the custody of the office of youth development office of juvenile justice.

C. Notwithstanding any other provisions of law to the contrary, the deputy secretary for youth services shall have the sole authority to establish the programmatic standards for juveniles assigned to the custody of the office of youth development office of juvenile justice.

D. Notwithstanding any other provisions of law to the contrary, the office of youth development office of juvenile justice may enter into contracts or cooperative agreements in order to provide employment and vocational training for juveniles in the office of youth development's custody of the office of juvenile justice as part of the treatment plan for the juvenile. The deputy secretary for youth services shall establish all rules and regulations necessary for the operation of such programs consistent with the office of youth development's mission of the office of juvenile justice to protect public safety and to provide opportunities for the rehabilitation of juvenile offenders.

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§921. Youthful Offender Management Fund; creation

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C. The monies in the Youthful Offender Management Fund shall be used solely by the department to supplement appropriated funds for salaries and other
category expenditures within the office of youth development office of juvenile justice deemed necessary by the secretary of the department, and to defray cost of collection and disbursement of monetary assessments imposed as a condition of probation and parole, including reasonable attorney fees.

§1097.1. Board of commissioners; appointment; terms

A. The Ware Youth Center Authority shall be governed by a commission which shall control, administer, and manage the affairs of the district. The commission shall be composed of a board of commissioners, who shall be qualified electors domiciled and residing in the district. They shall be appointed for terms of four years, as follows:

(5) Three commissioners shall be appointed by the assistant secretary of the office of youth development office of juvenile justice of the Department of Public Safety and Corrections.

§1106.1. Board of directors; appointment; terms

A. * * *

(2) * * *

(i) One director shall be appointed by the assistant secretary of the office of youth development office of juvenile justice of the Department of Public Safety and Corrections.

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Section 2. R.S. 17:100.1(A)(1) and (C) and 419.2(A) are hereby amended and reenacted to read as follows:

§100.1. Alternative educational programs; certain adjudicated students; students in the custody of the office of youth development office of juvenile justice; funding; authority of the local school board to contract

A.(1) Any child who has been adjudicated delinquent or as a member of a family in need of services by a court or is in the custody of the office of youth
development office of juvenile justice as a result of any such adjudication and is assigned by the office of youth development office of juvenile justice to a community-based program or facility shall be counted by the city, parish, or other local public school board for the city or parish where such program or facility exists for purposes of the Minimum Foundation Program and any other available state or federal funding for which the child is eligible. No other city, parish, or other local public school board shall include such a child in any count for purposes of the Minimum Foundation Program or any other available state or federal funding for which the child may be eligible. Funds inuring to the city, parish, or other local public school board as a result of the presence of such children in their jurisdiction shall be used to provide educational services for such children.

* * *

C. The State Board of Elementary and Secondary Education shall adopt necessary rules and regulations to assure that no funds provided through the Minimum Foundation Program or any other state or federal program as provided in this Section shall supplant any other funding provided to the office of youth development office of juvenile justice for the educational services for such children.

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§419.2. Extra compensation for school support personnel

A. All noncertificated support personnel employed by city, parish, or other local public school systems and noncertificated, unclassified support personnel employed by the Louisiana School for the Visually Impaired, the Louisiana School for the Deaf, the Louisiana Special Education Center, the Louisiana School for Math, Science and the Arts, the Southern University Lab School, the Louisiana State University Lab School, the New Orleans Center for the Creative Arts, the special school districts, the office of youth development office of juvenile justice in the Department of Public Safety and Corrections, and nonpublic lunchroom employees eligible for state salary supplements shall be paid by the state extra compensation as provided in Subsection B of this Section. The annual state extra compensation shall be paid only to those support personnel not paid exclusively from federal funds.
Section 3. R.S. 24:933(B)(8) is hereby amended and reenacted to read as follows:

§933. Interagency Council on the Prevention of Sex Offenses created; membership; officers; quorum

B. The council shall be composed of twenty-four members as follows:

(8) The assistant secretary of the office of youth development office of juvenile justice of the Department of Public Safety and Corrections or his designee.

Section 4. R.S. 28:621(A) is hereby amended and reenacted to read as follows:

§621. Pilot programs for children with developmental disabilities who are considered at-risk juveniles
A. The office for citizens with developmental disabilities, Department of Health and Hospitals, may provide for the establishment of pilot programs for children with developmental disabilities who are considered at-risk juveniles. The pilot programs may provide developmental disabilities services including assessment, counseling, and structured activities and living options, both as defined in this Title for juveniles referred by other agencies including but not limited to juvenile courts, the office of community services, and the office of youth development office of juvenile justice. The pilot programs shall be operated in cooperation with other offices of the Department of Health and Hospitals, the Department of Social Services, and the Department of Public Safety and Corrections.

Section 5. R.S. 36:401(C)(1)(b)(iii), 405(D)(3) and (6), 407(B), and 408(H)(1) and (2)(b), (c), (d), and (f) are hereby amended and reenacted to read as follows:

§401. Department of Public Safety and Corrections; public safety services; corrections services; youth services; creation; domicile; composition; purposes and functions
(iii) Youth services shall include the office of management and finance for youth services and the office of youth development office of juvenile justice and shall also include the deputy secretary of youth services, the undersecretary for youth services, and the assistant secretary of the office of youth development office of juvenile justice, and personnel necessary to carry out their functions.

§405. Deputy secretaries for public safety services, corrections services, and youth services

D.

(3) Youth services, including the office of youth development office of juvenile justice and its assistant secretary and the office of management and finance for youth services and its undersecretary, shall be under the supervision and direction of the deputy secretary for youth services.

(6) The deputy secretary for youth services shall employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration of youth services and for the performance of the powers, duties, functions, and responsibilities of youth services, including the office of youth development office of juvenile justice and any agencies transferred to the department which are related to the functions of youth services, except as otherwise provided by this Title. The deputy secretary for youth services shall be solely responsible for employment, assignment, and removal of all personnel employed for youth services on a contractual basis. The deputy secretary for youth services shall be solely responsible for the transfer of all personnel within youth services, and no personnel shall be transferred to or from youth services to any other office of the department without his prior approval.
§407. Assistant secretaries

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   B. Except as otherwise expressly provided in this Title and except for the
   offices within youth services, the duties and functions of each office and its assistant
   secretary shall be determined by the secretary, and all of such duties and functions
   shall be exercised under the direct supervision and control of the secretary. The
   exercise of the duties and functions of the offices of public safety services and their
   assistant secretaries shall be under the supervision of the deputy secretary for public
   safety services. The duties and functions of the office of youth development office
   of juvenile justice and its assistant secretary shall be as provided in this Chapter and
   as determined by the deputy secretary for youth services. The exercise of the duties
   and functions of youth services and its offices and officers shall be under the
   supervision of the deputy secretary for youth services.

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§408. Offices; purposes and functions

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   H.(1) The office of youth development office of juvenile justice shall, in
   accordance with law, have responsibility for the care, custody, security, and
   treatment of children adjudicated delinquent and children of families adjudicated in
   need of services committed to the custody of or placed under the supervision of the
   office of youth development office of juvenile justice or of youth services pursuant
   to the Children's Code except as otherwise provided by law.

   (2) The office shall provide:

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   (b) Community placement services for children adjudicated delinquent and
   children of families adjudicated in need of services and disposed to the custody of
   youth services or the office of youth development office of juvenile justice.

   (c) Alternative services in lieu of out-of-home placement for children
   adjudicated delinquent and children of families adjudicated in need of services and
   disposed to the custody or supervision of youth services or the office of youth.
development office of juvenile justice and for their families.

(d) Treatment services in secure custody facilities for children adjudicated
delinquent disposed to the custody of youth services or the office of youth
development office of juvenile justice and who, as determined by the office of youth
development office of juvenile justice require this restrictive level of care and
custody.

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(f) Community services directed at prevention of juvenile delinquency, intake
screening, and diversion as deemed appropriate by the office of youth development
office of juvenile justice.

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Section 6. R.S. 39:1482(F)(1)(introductory paragraph) is hereby amended and
reenacted to read as follows:

§1482. Application of the Chapter

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F:(1) This Chapter shall not apply to those personal, professional, or social
services provided to the clients of the Department of Health and Hospitals, the
Department of Social Services, the office of special education services within the
Department of Education, provided that the expense for these special education
services is five thousand dollars or less per child, corrections services within the
Department of Public Safety and Corrections, or the office of youth development
office of juvenile justice, Department of Public Safety and Corrections, in the
following circumstances:

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Section 7. R.S. 46:2404(B)(3)(c), 2605(B)(19), 2605.3(A)(4), 2755(B)(3), and
2757(B) are hereby amended and reenacted and R.S. 46:2755(B)(4) and (C)(6) are hereby
enacted to read as follows:

§2404. Louisiana Children's Trust Fund Board; created; membership

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B. The Louisiana Children's Trust Fund Board shall be composed of fifteen
members as follows:

* * *

(3) A representative of each of the following, appointed by the governor, subject to Senate confirmation:

* * *

(c) The office of youth development office of juvenile justice of the Department of Public Safety and Corrections.

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§2605. Children's Cabinet Advisory Board

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B. The advisory board shall be composed of the following members:

* * *

(19) The assistant secretary of the office of youth development office of juvenile justice of the Department of Public Safety and Corrections.

* * *

§2605.3. Regional service areas; coordination by service agencies

A. In order to provide a coordinated and comprehensive delivery of services to children and their families by region, the following agencies shall, to the extent feasible, develop a plan for the delivery of services in the state's regional service areas:

* * *

(4) The office of youth development office of juvenile justice by the secretary of the Department of Public Safety and Corrections.

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§2755. Powers and duties

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B. The commission in its consideration of the recommendations of the Juvenile Justice Reform Act of 2003 and HCR 56 or SCR 31, or both, of the 2003 Regular Session, and in the consideration of recommendation of other juvenile justice reform measures shall address such issues as:
(3) The closure of Jetson Center for Youth-East Baton Rouge Parish Unit as a facility for juveniles, as set forth in R.S. 15:902.4, and the development of a comprehensive plan to reduce the over-reliance on secure incarceration and provide community-based services including a time schedule for statewide implementation for the plan.

(3) (4) The priorities of state entities funding children and family services by:

(a) Receiving reports of the allocations and expenditures of all federal and state juvenile grant funds earmarked for law enforcement, treatment, rehabilitation, and education.

(b) Evaluating how juvenile monies, both state and federal, are utilized in implementing juvenile delinquency prevention programs by state and local agencies.

(c) Identifying and evaluating the effectiveness of state and local public awareness and delinquency prevention programs in both the public and private sectors to develop a series of recommendations for improving the effectiveness of such programs.

(d) Evaluating specific problem areas relating to the enforcement of laws concerning juvenile delinquency and making recommendations to improve the impact of those laws through legislative refinement or executive order.

(e) Assessing the roles and interaction of federal, state, and local law enforcement agencies and entities in combating juvenile delinquency to make recommendations for improving their effectiveness.

C. The commission may also:

(6) Hire staff and other necessary personnel as may be necessary to carry out the functions of the commission.
B. The legislature hereby further finds and declares that the creation of a single state entity for the delivery of services to children and their families should incorporate, to the extent deemed appropriate by the commission, services rendered by the office of community services, Department of Social Services, the office of public health and office of mental health, Department of Health and Hospitals, the office of youth development **office of juvenile justice**, Department of Public Safety and Corrections, and the Department of Education.

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________________________________________
PRESIDENT OF THE SENATE

________________________________________
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ______________