

SENATE BILL NO. 749

BY SENATOR CRAVINS AND REPRESENTATIVES ABRAMSON, ANDERS, ARNOLD, BILLIOT, HENRY BURNS, CARMODY, CARTER, CHAMPAGNE, CORTEZ, FANNIN, MICKEY GUILLORY, HARDY, HAZEL, HINES, HOFFMANN, HONEY, HOWARD, GIROD JACKSON, LEBAS, LEGER, LIGI, MARCHAND, MILLS, MORRELL, PEARSON, POPE, RICHMOND, ROBIDEAUX, SCHRODER, SMILEY, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TRAHAN, TUCKER, WHITE, WILLMOTT AND WOOTON

1 AN ACT

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

13 Be it enacted by the Legislature of Louisiana:

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

17 §902.3. Juvenile placement review process

18 A. The legislature hereby finds that in order to improve our juvenile justice
19 system it is necessary that every juvenile in the custody of the Department of Public
20 Safety and Corrections be reviewed periodically in order to determine whether the

1 juvenile is placed in the least restrictive placement most appropriate to their needs
 2 and consistent with the circumstances of the case and the protection of the best
 3 interests of society and the safety of the public within the state. In order to facilitate
 4 the transition of the Swanson Correctional Center for Youth-Madison Parish Unit
 5 and Jetson Center for Youth-East Baton Rouge Parish Unit to alternate adult
 6 offender utilization as provided in R.S. 15:902.2, the provisions of this Section shall
 7 be applicable.

8 * * *

9 §902.4. Closure of Jetson Center for Youth-East Baton Rouge Parish Unit as
 10 a facility for juveniles

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

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

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

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

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

1 for safety to the community.

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

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

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

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

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

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

29 **(h) The plan shall include a study concerning the feasibility of dispersing**
30 **youth to multiple facilities if they have been adjudicated delinquent for a crime**

1 of violence or who have documented histories of violence since being placed at
2 the Jetson facility.

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

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

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

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

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

17 (d) Other information requested by the commission.

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

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

28 * * *

29 §905. Rules and regulations; education; training and discipline, work opportunities,
30 vocational training, contracts and agreements

1 category expenditures within the ~~office of youth development~~ **office of juvenile**
2 **justice** deemed necessary by the secretary of the department, and to defray cost of
3 collection and disbursement of monetary assessments imposed as a condition of
4 probation and parole, including reasonable attorney fees.

5 * * *

6 §1097.1. Board of commissioners; appointment; terms

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

12 * * *

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

16 * * *

17 §1106.1. Board of directors; appointment; terms

18 A. * * *

19 (2) * * *

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

23 * * *

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

26 §100.1. Alternative educational programs; certain adjudicated students; students in
27 the custody of the ~~office of youth development~~ **office of juvenile**
28 **justice**; funding; authority of the local school board to contract

29 A.(1) Any child who has been adjudicated delinquent or as a member of a
30 family in need of services by a court or is in the custody of the ~~office of youth~~

1 ~~development~~ **office of juvenile justice** as a result of any such adjudication and is
2 assigned by the ~~office of youth development~~ **office of juvenile justice** to a
3 community-based program or facility shall be counted by the city, parish, or other
4 local public school board for the city or parish where such program or facility exists
5 for purposes of the Minimum Foundation Program and any other available state or
6 federal funding for which the child is eligible. No other city, parish, or other local
7 public school board shall include such a child in any count for purposes of the
8 Minimum Foundation Program or any other available state or federal funding for
9 which the child may be eligible. Funds inuring to the city, parish, or other local
10 public school board as a result of the presence of such children in their jurisdiction
11 shall be used to provide educational services for such children.

* * *

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

* * *

19 §419.2. Extra compensation for school support personnel

20 A. All noncertificated support personnel employed by city, parish, or other
21 local public school systems and noncertificated, unclassified support personnel
22 employed by the Louisiana School for the Visually Impaired, the Louisiana School
23 for the Deaf, the Louisiana Special Education Center, the Louisiana School for Math,
24 Science and the Arts, the Southern University Lab School, the Louisiana State
25 University Lab School, the New Orleans Center for the Creative Arts, the special
26 school districts, the ~~office of youth development~~ **office of juvenile justice** in the
27 Department of Public Safety and Corrections, and nonpublic lunchroom employees
28 eligible for state salary supplements shall be paid by the state extra compensation as
29 provided in Subsection B of this Section. The annual state extra compensation shall
30 be paid only to those support personnel not paid exclusively from federal funds.

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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

* * *

1 C.(1) * * *

2 (b) * * *

3 (iii) Youth services shall include the office of management and finance for
4 youth services and the ~~office of youth development~~ **office of juvenile justice** and
5 shall also include the deputy secretary of youth services, the undersecretary for youth
6 services, and the assistant secretary of the ~~office of youth development~~ **office of**
7 **juvenile justice**, and personnel necessary to carry out their functions.

8 * * *

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

11 * * *

12 D. * * *

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

17 * * *

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

30 * * *

1 §407. Assistant secretaries

2 * * *

3 B. Except as otherwise expressly provided in this Title and except for the
4 offices within youth services, the duties and functions of each office and its assistant
5 secretary shall be determined by the secretary, and all of such duties and functions
6 shall be exercised under the direct supervision and control of the secretary. The
7 exercise of the duties and functions of the offices of public safety services and their
8 assistant secretaries shall be under the supervision of the deputy secretary for public
9 safety services. The duties and functions of the ~~office of youth development~~ **office**
10 **of juvenile justice** and its assistant secretary shall be as provided in this Chapter and
11 as determined by the deputy secretary for youth services. The exercise of the duties
12 and functions of youth services and its offices and officers shall be under the
13 supervision of the deputy secretary for youth services.

14 * * *

15 §408. Offices; purposes and functions

16 * * *

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

23 (2) The office shall provide:

24 * * *

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

28 (c) Alternative services in lieu of out-of-home placement for children
29 adjudicated delinquent and children of families adjudicated in need of services and
30 disposed to the custody or supervision of youth services or the ~~office of youth~~

1 development office of juvenile justice and for their families.

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

7 * * *

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

11 * * *

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

14 §1482. Application of the Chapter

15 * * *

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

24 * * *

25 Section 7. R.S. 46:2404(B)(3)(c), 2605(B)(19), 2605.3(A)(4), 2755(B)(3), and
26 2757(B) are hereby amended and reenacted and R.S. 46:2755(B)(4) and (C)(6) are hereby
27 enacted to read as follows:

28 §2404. Louisiana Children's Trust Fund Board; created; membership

29 * * *

30 B. The Louisiana Children's Trust Fund Board shall be composed of fifteen

1 members as follows:

2 * * *

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

5 * * *

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

8 * * *

9 §2605. Children's Cabinet Advisory Board

10 * * *

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

12 * * *

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

15 * * *

16 §2605.3. Regional service areas; coordination by service agencies

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

21 * * *

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

24 * * *

25 §2755. Powers and duties

26 * * *

27 B. The commission in its consideration of the recommendations of the
28 Juvenile Justice Reform Act of 2003 and HCR 56 or SCR 31, or both, of the 2003
29 Regular Session, and in the consideration of recommendation of other juvenile
30 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.

* * *

§2757. Single state entity for children; additional duties and functions

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