



# HUMAN RIGHTS *for* KIDS

## Louisiana State Ratings Report

Human Rights for Kids (HRFK) annual state ratings process tracks the presence or absence of 12 categories of state statutes that are critical to protecting the human rights of children in the criminal justice system. It is important to note that these 12 categories are not exhaustive of all the important legislation needed to safeguard children's human rights. Furthermore, the ratings do not assess the effectiveness or implementation of these laws in the state. The purpose of the annual state ratings process is to document policies enacted by state legislatures, motivate legislators and policy advocates, and bring attention to the need to prioritize children in criminal justice reform and human rights advocacy. For each category, we track whether a state has a statute consistent with the described policy.

<b>TOTAL POINTS:</b>	4.5 out of 12
<b>TIER RATING:</b>	3

### 1. Due Process Protections at Point of Entry for Kids

No Credit: 0/1

There are no statutory protections in place requiring children to consult with their parents, legal guardians, or legal counsel prior to waiving their Miranda Rights or being subject to a custodial interrogation for proceedings in either juvenile or adult court.

## **2. Set a Minimum Age of at Least 10 for Juvenile Court**

Full Credit: 1/1

Pursuant to LA Children's Code §804, only children 10 years of age or older may be adjudicated delinquent in the juvenile justice system.

### **Children's Code, Art. 804. Definitions**

As used in this Title:

(3) "Delinquent act" means an act committed by a child of ten years of age or older which if committed by an adult is designated an offense under the statutes or ordinances of this state, or of another state if the offense occurred there, or under federal law, except traffic violations. It includes an act constituting an offense under R.S. 14:95.8, an act constituting an offense under R.S. 14:81.1.1(A)(2), and a direct contempt of court committed by a child.

## **3. Set a Maximum Age of at Least 17 for Juvenile Court**

Full Credit: 1/1

Pursuant to LA Children's Code § 804, the jurisdiction of the juvenile court for delinquent acts extends to anyone under the age of 18.

### **Children's Code, Art. 804. Definitions**

As used in this Title:

- (1)(a) "Child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act before attaining seventeen years of age.
- (b) Beginning March 1, 2019, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after March 1, 2019, when the act is not a crime of violence as defined in R.S. 14:2, and occurs before the person attains eighteen years of age.
- (c)(i) After June 30, 2020, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, and before the person attains eighteen years of age.
- (ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained the age of seventeen shall be subject to criminal jurisdiction pursuant to Article 305 or 857.

## **4. Ban Prosecuting Kids Under 14 as Adults AND Require a Child Status Hearings for All Kids 14+ Before Proceedings in Adult Court**

Partial Credit: .5/1 (a)

Pursuant to §857, the state may file a motion to transfer children 14 years of age or older into the adult criminal justice system, and pursuant to §305 of the children's code, children 15 years of age or older who commit certain felony level offenses must be tried as adults. Because child status is not always considered prior to proceeding in the adult criminal justice system, Louisiana receives partial credit.

**Children's Code, Art. 857. Transfers for criminal prosecution; authority**

A. The court on its own motion or on motion of the district attorney may conduct a hearing to consider whether to transfer a child for prosecution to the appropriate court exercising criminal jurisdiction if a delinquency petition has been filed which alleges that a child who is fourteen years of age or older at the time of the commission of the alleged offense but is not otherwise subject to the original jurisdiction of a court exercising criminal jurisdiction has committed any one or more of the following crimes:

- (1) First degree murder.
- (2) Second degree murder.
- (3) Aggravated kidnapping.
- (4) Aggravated rape.
- (5) Aggravated battery when committed by the discharge of a firearm.
- (6) Armed robbery when committed with a firearm.
- (7) Repealed by Acts 2001, No. 301, §2.
- (8) Forcible rape if the rape is committed upon a child at least two years younger than the rapist.

B. Notwithstanding any other provision of law to the contrary, a fourteen-year-old who is transferred pursuant to this Article and subsequently convicted shall not be confined for such conviction beyond his thirty-first birthday.

**Children's Code, Art. 862. Transfer hearing; required findings**

A. In order for a motion to transfer a child to be granted, the burden shall be upon the state to prove all of the following:

- (1) Probable cause exists that the child meets the requirements of Article 857.
- (2) By clear and convincing proof, there is no substantial opportunity for the child's rehabilitation through facilities available to the court, based upon the following criteria:
  - (a) The age, maturity, both mental and physical, and sophistication of the child.
  - (b) The nature and seriousness of the alleged offense to the community and whether the protection of the community requires transfer.
  - (c) The child's prior acts of delinquency, if any, and their nature and seriousness.
  - (d) Past efforts at rehabilitation and treatment, if any, and the child's response.
  - (e) Whether the child's behavior might be related to physical or mental problems.
  - (f) Techniques, programs, personnel, and facilities available to the juvenile court which might be competent to deal with the child's particular problems.

B. The court shall state for the record its reasons for judgment.

C.(1) The court shall transmit the order rendered after the hearing or a certified copy thereof, without delay, to the clerk of court having jurisdiction of the offense.  
(2) Any party may request the court to provide a complete or partial transcript of the testimony of the witnesses; however, neither the record of the hearing nor the reasons for the transfer shall be admissible in evidence in any subsequent criminal proceedings, except for the purpose of impeachment of a witness.

**Children’s Code, Art. 305. Divestiture of juvenile court jurisdiction;  
original criminal court jurisdiction over children**

A. (1) When a child is fifteen years of age or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping, he is subject to the exclusive jurisdiction of the juvenile court until either:

(a) An indictment charging one of these offenses is returned.

(b) The juvenile court holds a continued custody hearing pursuant to Articles 819 and 820 and finds probable cause that he committed one of these offenses, whichever occurs first. During this hearing, when the child is charged with aggravated or first degree rape, the court shall inform him that if convicted he shall register as a sex offender for life, pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

(2) Thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the court exercising criminal jurisdiction may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

B. (1) When a child is fifteen years of age or older at the time of the commission of any of the offenses listed in Subparagraph (2) of this Paragraph, he is subject to the exclusive jurisdiction of the juvenile court until whichever of the following occurs first:

(a) An indictment charging one of the offenses listed in Subparagraph (2) of this Paragraph is returned.

(b) The juvenile court holds a continued custody hearing and finds probable cause that the child has committed any of the offenses listed in Subparagraph (2) of this Paragraph and a bill of information charging any of the offenses listed in Subparagraph (2) of this Paragraph is filed. During this hearing, when the child is charged with forcible or second degree rape or second degree kidnapping, the court shall inform him that if convicted he shall register as a sex offender for life, pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

(2)(a) Attempted first degree murder.

(b) Attempted second degree murder.

(c) Manslaughter.

(d) Armed robbery.

(e) Aggravated burglary.

(f) Forcible or second degree rape.

- (g) Simple or third degree rape.
  - (h) Second degree kidnapping.
  - (i) Repealed by Acts 2001, No. 301, §2.
  - (j) Aggravated battery committed with a firearm.
  - (k) A second or subsequent aggravated battery.
  - (l) A second or subsequent aggravated burglary.
  - (m) A second or subsequent offense of burglary of an inhabited dwelling.
  - (n) A second or subsequent felony-grade violation of Part X or X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950 involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances.
- (3) The district attorney shall have the discretion to file a petition alleging any of the offenses listed in Subparagraph (2) of this Paragraph in the juvenile court or, alternatively, to obtain an indictment or file a bill of information. If the child is being held in detention, the district attorney shall make his election and file the indictment, bill of information, or petition in the appropriate court within thirty calendar days after the child's arrest, unless the child waives this right.
- (4) If an indictment is returned or a bill of information is filed, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the district court may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.
- C. Except when a juvenile is held in an adult jail or lockup, the time limitations for the conduct of a continued custody hearing are those provided by Article 819.
- D. The court exercising criminal jurisdiction shall retain jurisdiction over the child's case, even though he pleads guilty to or is convicted of a lesser included offense. A plea to or conviction of a lesser included offense shall not revest jurisdiction in the court exercising juvenile jurisdiction over such a child.
- E. (1) If a competency or sanity examination is ordered, except for the filing of a delinquency petition, the return of an indictment, or the filing of a bill of information, no further steps to prosecute the child shall occur until the court exercising criminal jurisdiction appoints counsel for the child and provides notification in accordance with Article 809 and determines the child's mental capacity to proceed.
- (2) When an indictment has been returned or a bill of information has been filed pursuant to this Subsection, the district court exercising criminal jurisdiction shall be the proper court to determine the child's mental capacity to proceed. In all other instances, the juvenile court shall be the proper court to make this determination.

## **5. Ban Mandatory Minimum Sentencing for Kids**

No Credit: 0/1

There is no statutory provision allowing judges to depart from any mandatory minimum sentence once a child has been convicted in adult criminal court.

## **6. Ban Felony-Murder Rule for Kids**

No Credit: 0/1

Pursuant to §30.1, a child may be convicted under the felony murder rule.

### **§30. First degree murder**

A. First degree murder is the killing of a human being:

(1) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in the perpetration or attempted perpetration of aggravated kidnapping, second degree kidnapping, aggravated escape, aggravated arson, aggravated or first degree rape, forcible or second degree rape, aggravated burglary, armed robbery, assault by drive-by shooting, first degree robbery, second degree robbery, simple robbery, terrorism, cruelty to juveniles, or second degree cruelty to juveniles.

### **§30.1. Second degree murder**

A. Second degree murder is the killing of a human being:

(2) When the offender is engaged in the perpetration or attempted perpetration of aggravated or first degree rape, forcible or second degree rape, aggravated arson, aggravated burglary, aggravated kidnapping, second degree kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to inflict great bodily harm.

## **7. Ban Life Without Parole Sentences for Kids**

No Credit: 0/1

Pursuant to §878.1, a child may be sentenced to life without parole.

### **Art. 878.1. Hearing to determine parole eligibility for certain juvenile offenders**

A. If an offender is indicted on or after August 1, 2017, for the crime of first degree murder (R.S. 14:30) where the offender was under the age of eighteen years at the time of the commission of the offense, the district attorney may file a notice of intent to seek a sentence of life imprisonment without possibility of parole within

one hundred eighty days after the indictment. If the district attorney timely files the notice of intent, a hearing shall be conducted after conviction and prior to sentencing to determine whether the sentence shall be imposed with or without parole eligibility. If the court determines that the sentence shall be imposed with parole eligibility, the offender shall be eligible for parole pursuant to the provisions of R.S. 15:574.4(E). If the district attorney fails to timely file the notice of intent, the sentence shall be imposed with parole eligibility and the offender shall be eligible for parole pursuant to the provisions of R.S. 15:574.4(E) without the need of a judicial determination pursuant to the provisions of this Article. If the court determines that the sentence shall be imposed without parole eligibility, the offender shall not be eligible for parole.

B.(1) If an offender was indicted prior to August 1, 2017, for the crime of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) where the offender was under the age of eighteen years at the time of the commission of the offense and a hearing was not held pursuant to this Article prior to August 1, 2017, to determine whether the offender's sentence should be imposed with or without parole eligibility, the district attorney may file a notice of intent to seek a sentence of life imprisonment without the possibility of parole within ninety days of August 1, 2017. If the district attorney timely files the notice of intent, a hearing shall be conducted to determine whether the sentence shall be imposed with or without parole eligibility. If the court determines that the sentence shall be imposed with parole eligibility, the offender shall be eligible for parole pursuant to R.S. 15:574.4(G). If the district attorney fails to timely file the notice of intent, the offender shall be eligible for parole pursuant to R.S. 15:574.4(E) without the need of a judicial determination pursuant to the provisions of this Article. If the court determines that the sentence shall be imposed without parole eligibility, the offender shall not be eligible for parole.

(2) If an offender was indicted prior to August 1, 2017, for the crime of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) where the offender was under the age of eighteen years at the time of the commission of the offense and a hearing was held pursuant to this Article prior to August 1, 2017, the following shall apply:

(a) If the court determined at the hearing that was held prior to August 1, 2017, that the offender's sentence shall be imposed with parole eligibility, the offender shall be eligible for parole pursuant to R.S. 15:574.4(G).

(b) If the court determined at the hearing that was held prior to August 1, 2017, that the offender's sentence shall be imposed without parole eligibility, the offender shall not be eligible for parole.

C. At the hearing, the prosecution and defense shall be allowed to introduce any aggravating and mitigating evidence that is relevant to the charged offense or the character of the offender, including but not limited to the facts and circumstances of the crime, the criminal history of the offender, the offender's level of family support, social history, and such other factors as the court may deem relevant. The

admissibility of expert witness testimony in these matters shall be governed by Chapter 7 of the Code of Evidence.

D. The sole purpose of the hearing is to determine whether the sentence shall be imposed with or without parole eligibility. The court shall state for the record the considerations taken into account and the factual basis for its determination.

Sentences imposed without parole eligibility and determinations that an offender is not entitled to parole eligibility should normally be reserved for the worst offenders and the worst cases.

## **8. Release Safety Valve for Kids Serving Lengthy Prison Sentences**

No Credit: 0/1

Pursuant to §15:574.4, most children in Louisiana will be granted parole eligibility after 25 years; however, because children serving life sentences for specified serious offenses are exempted from earlier parole consideration, Louisiana receives no credit.

### **§15:574.4. Parole; eligibility; juvenile offenders**

J.(1) Notwithstanding any provision of law to the contrary, and except as 12 provided in Subsections D, E, F, G, and H of this Section, any person serving a term 13 or terms of imprisonment that result in a period of incarceration of twenty-five years 14 or more and who was under the age of eighteen years at the time of the commission 15 of the offense shall be eligible for parole consideration pursuant to the provisions of 16 this Subsection if all of the following conditions have been met:

- (a) The offender has served at least twenty-five years of the sentence imposed.
- (b) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole hearing date. A major disciplinary offenses is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
- (c) The offender has completed the mandatory minimum of one hundred hours of prerelease programming in accordance with R.S. 15:827.1.
- (d) The offender has completed substance abuse treatment as applicable.
- (e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete at least one of the following:
  - (i) A literacy program.
  - (ii) An adult basic education program.
  - (iii). A job skills training program.
- (f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.



(g) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections.

(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the committee on parole shall meet in a three-member panel, shall consider the impact that the lack of brain development in adolescence has on culpability and behavior, a juvenile offender's unique ability to mature and grow, and any other relevant evidence or testimony pertaining to the offender.

(3) The panel shall render specific findings of fact in support of its decision.

(4) The provisions of this Subsection shall not apply to a person serving a sentence of life imprisonment for a conviction of R.S. 14:30, 30.1, 42, or 44.

## **9. Ban Solitary Confinement for Kids**

Full Credit: 1/1

Pursuant to §15:865, children in adult correctional facilities receive protection from being placed in solitary confinement. Pursuant to §15:905, children in juvenile facilities cannot be placed in solitary confinement except in limited circumstances.

### **§15:865. Solitary confinement abolished**

A. Except as provided in Subsections B and C of this Section, no prisoner in the state penitentiary shall be placed in solitary confinement, except in enforcing obedience to the police regulations of the penitentiary.

B. Notwithstanding Subsection A of this Section and except as provided in Subsection C of this Section, no prisoner in any penal or correctional institution who is pregnant, or is less than eight weeks post medical release following a pregnancy, or is caring for a child in a penal or correctional institution shall be placed in solitary confinement.

C. The provisions of this Section prohibiting the placement of prisoners in solitary confinement do not apply under either of the following circumstances:

(1) The prisoner has engaged in an act of violence while incarcerated that either resulted in or was likely to result in serious bodily injury or death to another.

(2) There is reasonable cause to believe that the use of solitary confinement is necessary to reduce a substantial risk of imminent serious bodily injury or death to another, as evidenced by the prisoner's recent conduct while incarcerated.

### **§15:905. Rules and regulations; education; training and discipline; work opportunities; vocational training; contracts and agreements; solitary confinement**

F. No juvenile in the custody of the office of juvenile justice shall be placed in any form of solitary confinement for any reason other than a temporary response to behavior that poses a serious and immediate threat of physical harm to the juvenile or others.

(1) For the purposes of this Subsection, "solitary confinement" shall mean the involuntary placement of a juvenile alone in a cell, room, or other area, except during regularly scheduled sleeping hours. It includes but is not limited to any behavioral intervention, seclusion, isolation, room isolation, segregation, administrative segregation, or room confinement in response to rule violations, staffing shortages, or for any other reason that is not an emergency response to behavior that poses a serious and immediate threat of physical harm to the juvenile or others.

(2)(a) A juvenile shall not be placed in solitary confinement for the purposes of discipline, punishment, administrative convenience, retaliation, protective custody, suicide intervention, general behavior management that is not a response to a serious and immediate threat of physical harm to the juvenile or others, rule violations, in response to staffing shortages, or for any other reason that is not an emergency response to behavior that poses a serious and immediate threat of physical harm to the juvenile or others.

(b) Under no circumstance shall a juvenile who has expressed suicidal ideations or attempted suicide be placed in solitary confinement.

(3) A juvenile may be held in solitary confinement only under either of the following conditions:

(a) Progressive protocols, beginning with verbal calming and other de-escalation techniques attempted by facility staff, have proven unsuccessful at resolving the imminent threat of physical harm.

(b) There is a need to eliminate the serious and immediate risk of physical harm to the juvenile or others.

(4)(a) All protocols and techniques provided in Subparagraph (3)(a) of this Subsection shall be documented, along with an explanation of why solitary confinement was ultimately deemed necessary.

(b) A juvenile placed in solitary confinement pursuant to Subparagraph (3)(b) of this Subsection shall be released from solitary confinement as soon as the serious and immediate risk of physical harm to self or others is resolved.

(5) A juvenile shall be held in solitary confinement only for a period that does not compromise or harm his physical health or mental health, as determined by a mental health practitioner.

(a) Except as provided in this Paragraph, no period of solitary confinement shall exceed eight hours.

(b) After eight hours, the juvenile shall be returned to the general population. If a mental health professional determines that the juvenile continues to pose a serious and immediate threat of physical harm to the juvenile or others after eight hours, the juvenile may be transported to a mental health facility upon the recommendation of a mental health professional, or the facility staff shall implement a mental health crisis plan that allows for the juvenile to return to the general population safely.

(c) If, after an in-person evaluation by a mental health professional at the facility, it is determined that these options are not practicable, the juvenile may be placed into

solitary confinement for an additional period of time not to exceed eight-hour increments only upon recommendation of the mental health professional.

(i) Each additional eight-hour increment shall be preceded by an additional evaluation by a mental health professional and a recommendation by the mental health professional that the juvenile may continue to be placed into solitary confinement.

(ii) Under no circumstances shall the juvenile who has been evaluated pursuant to this Subparagraph be held in solitary confinement for longer than twenty-four hours.

(6) The use of consecutive periods of room confinement to avoid the intent and purpose of this Subsection is prohibited.

(7) All instances of solitary confinement shall be approved immediately by the facility director, deputy director, or the supervisor with the highest level of authority who is present at the facility at the time, and only after consultation with a qualified mental health practitioner who has spoken with the juvenile. Approval shall be reaffirmed every hour thereafter.

(a) The facility director, deputy director, or the supervisor with the highest level of authority who is present at the facility at the time shall immediately notify the deputy secretary and the senior administrative team any time a juvenile is placed in solitary confinement.

(b) Within two hours of placing a juvenile in solitary confinement, the facility shall contact the juvenile's parent or guardian and the juvenile's attorney of record to provide notice that the juvenile was placed in solitary confinement and the reason for the confinement.

(8) Juveniles in solitary confinement shall be continuously monitored. Facility staff shall engage in continued crisis intervention and de-escalation techniques and make visual and verbal contact with each youth in solitary confinement at least every ten minutes. The intent and purpose of this intervention is to help de-escalate the juvenile's behavior so the juvenile can rejoin the general population as soon as possible. Staff shall document the time and nature of the observation and interventions.

(9) Within the first hour of solitary confinement and every hour thereafter, a qualified mental health practitioner shall speak to the juvenile to help the juvenile de-escalate and exit solitary confinement as soon as possible.

(10) Staff shall return the juvenile to programming as soon as the juvenile has regained self-control and is no longer engaging in behavior that threatens serious and immediate harm to himself or others. If necessary, staff may return the juvenile to a separate area other than a cell or other isolated space where staff can help the juvenile self-regulate and become ready to return to the general population.

(11) All rooms used for solitary confinement shall have adequate and operating lighting, heating and cooling, and ventilation for the comfort of the juvenile. Rooms shall be clean and resistant to suicide and self-harm.

(12) Juveniles in solitary confinement shall have access to all of the following:

(a) Sunlight.

- (b) Drinking water.
- (c) Toilet facilities.
- (d) Working showers.
- (e) Hygiene supplies.
- (f) Mattresses
- (g) Reading materials.
- (h) Meals.
- (i) Contact with parents or legal guardians.
- (j) Legal assistance.
- (k) Educational programming
- (l) Appropriate medical and mental health services, which shall be provided by mental health staff as needed.

(13) Every instance of solitary confinement shall be documented electronically and in the aggregate. Unidentified data on the frequency and length of time that the juvenile spends in solitary confinement shall be available upon request as a public record. Documentation of the solitary confinement shall include all of the following:

- (a) The date of the occurrence.
- (b) The race, ethnicity, age, gender, and disability status of the juvenile.
- (c) The reason for the juvenile's placement in solitary confinement.
- (d) An explanation of why less restrictive means for placement were unsuccessful.
- (e) The ultimate duration of the juvenile's placement in solitary confinement.
- (f) Facility staffing levels at the time of the juvenile's confinement.
- (g) Any incidents of self-harm, suicide attempts, or suicide committed by the juvenile while the juvenile was confined and where the juvenile was placed after leaving solitary confinement.

(14)(a) The office of juvenile justice shall submit a report on the use of solitary confinement quarterly to the Juvenile Justice Reform Act Commission. This report shall include all of the following:

- (i) The length of time each juvenile was in solitary confinement.
  - (ii) The race, ethnicity, age, gender, and disability status of each juvenile placed in solitary confinement.
  - (iii) The facility staffing levels at the time of the juvenile's confinement.
  - (iv) The reason each juvenile was placed in confinement, and where the juvenile was placed after leaving solitary confinement.
- (b) All of the following shall be included in the report:
- (i) Each instance of solitary confinement exceeding eight hours, including all reasons why attempts to return the juvenile to the general population of the facility were unsuccessful.
  - (ii) All corrective measures taken in response to noncompliance with this Subsection.
  - (iii) Redacted personal identifying information that provides individual, not aggregate data.

(c) The initial quarterly report shall be submitted within two weeks after the quarter ending on September 30, 2022. Subsequent reports shall be submitted for the ensuing quarters within two weeks after the end of each quarter.

(d) The office of juvenile justice shall post a report on the use of solitary confinement on its website quarterly with deidentified aggregate data including but not limited to all of the following:

(i) Total number of juveniles placed in solitary confinement that quarter.

(ii) Race and ethnicity, age, and gender of juveniles placed in solitary confinement.

(iii) Disability status of juveniles placed in solitary confinement.

(iv) Number of instances of solitary confinement exceeding eight hours.

(v) Number of instances, if any, of self-harm while in solitary confinement.

(vi) Number of instances, if any, of suicide attempts while in solitary confinement.

(vii) Number of instances, if any, of suicides while in solitary confinement.

(e) Data shall be disaggregated by facility.

(15) All agency staff shall be trained on the appropriate use of solitary confinement during their initial training to work at the office of juvenile justice and subsequently at regular intervals. Staff shall be required to demonstrate proficiency with decisions regarding when and how to use solitary confinement before completing their initial training to work in office of juvenile justice facilities and ongoing during their employment.

(16) Every juvenile placed in the custody of the office of juvenile justice shall receive an explanation on the solitary confinement policy by staff promptly upon arrival to a facility, and information on this policy shall be communicated to the juvenile's parents or guardians through the most direct means possible, with in-person communication being most preferable

## **10. Ban Incarcerating Kids with Adults**

No Credit: 0/1

Pursuant to Children's Code, §305-306, children may be detained or confined in an adult jail or lockup. Additionally, there is no prohibition on incarcerating children in adult prisons.

### **Art. 306. Places of detention; juveniles subject to criminal court jurisdiction**

A. Prior to the divesting events specified in Paragraphs A and B of Article 305, the child shall be held in custody in a juvenile detention center, except as hereinafter provided.

B. If a detention facility for juveniles is not available, he may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete these activities for up to six

hours, except that in nonmetropolitan areas, he may be held for up to twenty-four hours if all of the following occur:

(1) The child meets the age and offense criteria set out in Article 305.

(2) A continued custody hearing in accordance with Articles 820 and 821 is held within twenty-four hours after his arrest.

(3) There is no acceptable alternative placement to the jail or lockup in which he is being held.

(4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist providing for sight and sound separation of the juvenile from adult offenders and that he can be given continuous visual supervision while placed in the jail or lockup.

C. If an indictment has not been returned, a bill of information filed, or a continued custody hearing not held within twenty-four hours, the child held in an adult jail or lockup in a nonmetropolitan area shall be released or removed to a juvenile detention facility.

D. If at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in Article 305, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction. The appropriate court of criminal jurisdiction may thereafter order that the child be held in any facility used for the pretrial detention of accused adults and the child shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.

E. If for any reason the court determines that the child is not subject to the jurisdiction of the criminal courts, it may continue him in custody only in those places authorized by Article 822.

F. The court authorizing the detention of the child in an adult jail or lockup pursuant to Paragraph B or D of this Article shall submit a written report delineating appropriate reasons for the continued custody to the judicial administrator of the supreme court for review and shall submit copies to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice and to the sheriff or chief of police of the facility in which the child is being detained within seven working days of the court's decision.

G. Notwithstanding any provision of law to the contrary, a child who is subject to criminal jurisdiction pursuant to Article 305 shall not be detained prior to trial in a juvenile detention facility after reaching the age of eighteen if the governing authority with funding responsibility for the juvenile detention facility objects to such detention.

### **Art. 305. Divestiture of juvenile court jurisdiction; original criminal court jurisdiction over children**

A.(1) When a child is fifteen years of age or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or

aggravated kidnapping, he is subject to the exclusive jurisdiction of the juvenile court until either:

(a) An indictment charging one of these offenses is returned.

(b) The juvenile court holds a continued custody hearing pursuant to Articles 819 and 820 and finds probable cause that he committed one of these offenses, whichever occurs first. During this hearing, when the child is charged with aggravated or first degree rape, the court shall inform him that if convicted he shall register as a sex offender for life, pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950.

(2) Thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the court exercising criminal jurisdiction may order that the child be transferred to the appropriate adult facility for detention prior to his trial as an adult.

## **11. Ban Mandatory Post-Release Lifetime Supervision**

No Credit: 0/1

Pursuant to §574.6, children convicted in adult criminal court are ineligible for early discharge from parole.

### **§574.6. Parole term; automatic discharge**

The parole term, when the board orders a prisoner released on parole, shall be for the remainder of the prisoner's sentence, without any diminution of sentence for good behavior. When the parolee has completed his full parole term, he shall be discharged from parole by the Department of Public Safety and Corrections without order by the board, provided that:

(1) No warrant has been issued by the board for the arrest of the parolee.

(2) No detainer has been issued by the parole officer for the detention of the parolee pending revocation proceedings.

(3) No indictment or bill of information is pending for any felony the parolee is suspected to have committed while on parole.

## **12. Voting Rights Restoration**

Full Credit: 1/1

Pursuant to §102, formerly incarcerated children who have reached voting age can vote 5 years after they have been discharged from imprisonment.

### **§102. Ineligible persons**

A. No person shall be permitted to register or vote who is:

(1)(a) Under an order of imprisonment, as defined in R.S. 18:2, for conviction of a felony, except as provided in Subparagraph (b) of this Paragraph.

(b) Except as provided in Subparagraph (c) of this Paragraph, a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to register or vote based on the order if the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.

(c) Notwithstanding any other provision of law, no person shall be permitted to register or vote pursuant to this Section if he is convicted of a felony offense of election fraud or any other election offense pursuant to R.S. 18:1461.2 and he is under an order of imprisonment.

(2) Interdicted after being judicially declared to be mentally incompetent as a result of a full interdiction proceeding pursuant to Civil Code Article 389. A person subject to a limited interdiction pursuant to Civil Code Article 390 shall be permitted to register and vote unless the court in that proceeding specifically suspends the interdicted person's right to vote in the judgment of interdiction. If a person was previously subject to full interdiction, which has been changed to a limited interdiction, that person shall be eligible to register and vote unless the judgment of limited interdiction specifically suspends that right.

B. Notwithstanding the provisions of Paragraph (A)(1) of this Section or any other provision of law to the contrary, a person who was convicted of a felony prior to the effective date of the 1974 Constitution of Louisiana who has fully satisfied and completed his sentence shall not be ineligible to register to vote, nor shall he be prohibited from voting, based upon that conviction.