

“Raise the Age”

As of 01 July 2020, any person who is 17 years of age cannot be initially incarcerated, upon arrest, in an adult jail.

If the crime is minor, the child may be issued a citation/summons and released to his guardian(s).

If the crime is major, the child must be initially incarcerated in a Juvenile Detention Center.

There are Articles in the Code of Criminal Procedure that allow the D.A., on certain very serious crimes, to later attempt to have the child later transferred to an adult jail.

- Juveniles older than 15 are automatically waived to criminal court upon a finding of probable cause or indictment for first or second degree murder, first degree rape, or aggravated kidnapping [La. Ch.C. 305(A)].
- Prosecutors may elect to waive juveniles older than 15 over to criminal court by indictment or upon a finding of probable cause for a range of violent felonies and certain second or subsequent offenses involving burglary of an inhabited dwelling or the manufacture, distribution or possession with intent to distribute CDS [La. Ch.C. 305(B)].
- Juvenile court judges may elect to waive over to criminal court juveniles older than 14 charged with certain serious offenses after a transfer hearing in which the court finds probable cause for the offense and that the juvenile is not amenable to rehabilitation (La. Ch.C. 857).