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DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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July 31, 2024
OPINION 24-0057

Mr. Donald D. Landry
District Attorney
15th Judicial District
P.O. Box 3206
Lafayette, La 70502

57-A JUVENILES

La. Const. art. XII, § 3
La. Ch. Code art. 804

La. Ch. Code art. 116(3)
La. Ch. Code art. 951, et. seq.

Regarding whether traffic citations issued to persons 17 years of age for traffic violations be filed in adult court or juvenile court.

Dear Mr. Landry:

This office received your request for an Attorney General's Opinion regarding the proper jurisdiction to file traffic citations issued to persons 17 years of age. Specifically, you have raised the question of whether 17 year olds cited for traffic offenses should be prosecuted as adults or as juveniles.

Cases involving juveniles, such as criminal charges and delinquency petitions, are brought in juvenile court. The District Attorney is responsible for prosecuting such matters.

La. Const. art. XII, § 3 provides that juvenile courts "shall have jurisdiction as provided by law." Louisiana Children's Code Article 116(3) defines as child as "...a person who has not yet attained the age of eighteen years, except as it is specifically defined by a Title of this Code."

Provisions of the Children's Code vary on when an individual will be considered a "child." Pursuant to Act 13 of the 2024 Second Extraordinary Session, Louisiana Children's Code Article 804 defines a child as follows:

- (a) Before March 1, 2019, and on or after April 19, 2024, "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) From March 1, 2019, and until 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 March 1, 2019, until June 30, 2020, 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) From July 1, 2020, until April 19, 2024, "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, until April 19, 2024, and before the person attains eighteen years of age.

Louisiana Children's Code Article 804(3) defines a "delinquent act" as 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.

Title IX of the Louisiana Children's Code (Articles 951, et. seq.) governs proceedings involving minor traffic offenses. Children's Code Article 952 states "except as otherwise specified in this Title, all provisions of the Children's Code remain applicable." Therefore, Article 116(3) applies. Under Children's Code Article 953, "traffic violation" means any violation of a statute or ordinance regulating traffic, except the following criminal offenses:

- (1) Vehicular homicide.
- (2) Vehicular negligent injuring.
- (3) Unauthorized use of a movable.
- (4) Operating a vehicle while intoxicated.
- (5) Reckless operation of a vehicle.
- (6) Hit and run driving.


Because Article 953 places all but the excepted offenses within the definition of traffic offenses falling under the Children's Code, we conclude that traffic citations issued to 17 year olds should be filed and adjudicated in juvenile court.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
ATTORNEY GENERAL

BY:



TERREL T. KENT
ASSISTANT ATTORNEY GENERAL