HLS 19RS-372 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 11

1

BY REPRESENTATIVE BACALA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUVENILE PROCEDURE: Provides relative to the taking into custody of a seventeen-year-old who commits a misdemeanor grade delinquent act

AN ACT

2	To amend and reenact Children's Code Article 815(A) and to enact Children's Code Article
3	814(B)(3), relative to taking a child into custody; to authorize the release of a
4	seventeen-year-old taken into custody for the commission of a misdemeanor-grade
5	delinquent act upon the issuance of a summons or upon his written promise to
6	appear; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Children's Code Article 815(A) is hereby amended and reenacted and
9	Children's Code Article 814(B)(3) is hereby enacted to read as follows:
10	Art. 814. Taking child into custody without a court order; duties of the officer;
11	duties of the court
12	* * *
13	B. If a child is taken into custody without a court order or warrant, the officer
14	shall have the responsibility to either:
15	* * *
16	(3) If the child is seventeen years of age and has been taken into custody for
17	the commission of a misdemeanor grade delinquent act, issue a summons or counsel
18	and release the child upon the child's written promise to appear in court at such time
19	as may be fixed by the court.
20	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

Art. 815. Child taken into custody; place of detention

A. The peace officer or an appropriate representative of the arresting agency shall have the authority and responsibility to transport the child to the appropriate place of detention specified in Paragraphs B and C of this Article, unless the child has been released to the care of his parents pursuant to Article 814(B)(1) or (3).

* * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 11 Original

2019 Regular Session

Bacala

Abstract: Authorizes the release of a seventeen-year-old taken into custody for the commission of a misdemeanor-grade delinquent act upon the issuance of a summons or upon his written promise to appear.

<u>Present law</u> (Ch.C. Art. 814) provides that a child may be taken into custody without a court order or warrant by a peace officer or probation officer if the officer has probable cause to believe that the child has committed a delinquent act.

If a child is taken into custody without a court order or warrant, <u>present law</u> (Ch.C. Art. 814) provides that the officer shall have the responsibility to either:

- (1) Counsel and release the child to the care of his parents upon their written promise to bring the child to court at such time as may be fixed by the court.
- (2) Promptly escort the child to the appropriate facility in accordance with <u>present law</u> (Ch.C. Art. 815).

In this regard, <u>present law</u> (Ch.C. Art. 815) requires the peace officer or an appropriate representative of the arresting agency to transport the child to the appropriate place of detention specified in <u>present law</u>, unless the child has been released to the care of his parents pursuant Paragraph (1) above.

<u>Present law</u> (Ch.C. Art. 804) provides that a 17-year-old who commits, on or after March 1, 2019, a delinquent act that is not a crime violence may be subject to delinquency proceedings of the appropriate court exercising juvenile court jurisdiction instead of being subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction.

<u>Proposed law</u> retains <u>present law</u> and provides that if a seventeen-year-old is taken into custody without a court order or warrant for a misdemeanor-grade delinquent act, the peace officer has the additional option of releasing the child upon the issuance of a summons or upon the child's written promise to appear in court at such time as may be fixed by the court.

(Amends Ch.C. Art. 815(A); Adds Ch.C. Art. 814(B)(3))