

GREEN SHEET REDIGEST

HB 140

2026 Regular Session

Cox

**JUVENILE PROCEDURE: Provides relative to the time limitations governing juvenile delinquency proceedings.**

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DIGEST

Proposed law (Ch.C. Art. 412(Q)) provides that nothing in present law prohibits law enforcement officers, prosecuting agencies, or judicial officers from obtaining records relating to delinquency or status offenses proceedings which are relevant to an ongoing delinquency or criminal investigation or proceeding.

Proposed law authorizes a custodian of records to seek a protective order prohibiting or limiting the disclosure upon a showing of good cause that such protection is necessary in the interests of justice.

Proposed law requires all records produced and the information contained in those records be protected from disclosure by the recipient outside of what is necessary to conduct the investigation, prosecution, or adjudicatory action.

Present law (Ch.C. Art. 804) provides for definitions.

Proposed law retains present law and defines the term "custody".

Present law (Ch.C. Art. 813) provides for the taking of a child into custody with a court order.

Proposed law generally retains present law, but requires the officer to advise the court of the custodial location of the child.

Present law provides for the execution of the court order and notification.

Proposed law retains present law and requires an officer to promptly notify the district attorney in the jurisdiction where any court order for the child to be taken into custody was issued that the child has been taken into custody. Further requires notification to the district attorney even if the court order is issued from a different jurisdiction than the one where the child is taken into custody.

Present law (Ch.C. Art. 815.1) provides for alternatives to detention programs.

Proposed law generally retains present law.

Present law (Ch.C. Art. 815.1(D)) provides that an alternative to detention programs is considered a form of detention and the time periods set forth in present law apply unless waived by the child. Further prohibits the enrollment of a child in an alternative to detention program following a disposition hearing, except as an alternative to placement in detention or other out-of-home placement.

Proposed law deletes present law.

Present law provides for the purpose of an alternative to detention program and provides that the child's participation in an alternative to detention program shall not be considered an adjudication nor shall it suspend delinquency proceedings. Further provides that an alternative to detention program may include rehabilitative components, but continued participation in the program shall not be required post-adjudication, except as an alternative to detention of the child or other out-of-home placement.

Proposed law retains present law, but removes the provisions of present law relative to continued participation in the program after adjudication.

Present law (Ch.C. Art. 818(A)) authorizes a child to be photographed or fingerprinted if taken into custody for the commission of a delinquent act.

Proposed law requires a child to be photographed or fingerprinted if taken into custody for the commission of a felony-grade delinquent act.

Present law (Ch.C. Art. 843) requires a delinquency petition to be filed within 48 hours of a continued custody hearing if the child is continued in custody prior to adjudication.

Proposed law changes the length of time from 48 hours to five days after the hearing.

Proposed law requires the delinquency petition alleging a misdemeanor-grade delinquent act to be filed within 15 days after the hearing if a child is not continued in custody prior to adjudication.

Proposed law requires the delinquency petition alleging a felony-grade delinquent act to be filed within 30 days after the hearing if a child is not continued in custody prior to adjudication.

Present law (Ch.C. Art. 877) provides that when the child is charged with a crime of violence and the child is continued in custody, the adjudication hearing shall commence within 60 days of the appearance to answer the petition.

Proposed law changes the length of time from 60 days to 90 days.

Present law provides that in cases where a child is not charged with a crime of violence and the child is continued in custody, the adjudication hearing shall commence within 30 days of the appearance to answer the petition.

Proposed law changes the length of time from 30 days to 45 days.

Present law provides that if the child is not continued in custody, the adjudication hearing shall commence within 90 days of the appearance to answer the petition.

Proposed law changes the length of time from 90 days to 120 days.

Present law provides that if the hearing has not been commenced timely, upon motion of the child, the court shall release a child in continued custody and dismiss the petition.

Proposed law amends present law to require the court, upon the expiration of the time limitations established by present law (Ch.C. Art. 877) and upon the child's written motion to dismiss with certification of notice provided to the district attorney, to commence a contradictory hearing with the district attorney where the court is required to dismiss the petition if good cause for the delay is not shown. Further provides that this right of dismissal is waived unless the motion to quash is made prior to adjudication.

Proposed law prohibits any further proceedings against the child for the same or a lesser offense based on the same facts if the petition is dismissed under present law (Ch.C. Art. 877).

Proposed law requires the suspension of the time limitations established in present law (Ch.C. Art. 877) if certain circumstances occur involving the child and provides for resumption of these time limitations from the date that the cause of suspension no longer exists.

Proposed law defines what constitutes "notice".

Proposed law requires, after the resumption of the time limitations established in present law (Ch.C. Art. 877), that adjudication proceedings commence within either the time period that remained before suspension or within 30 days, whichever time period is longer.

Proposed law provides for duties of the La. State Law Institute relative to technical corrections of present law (Ch.C. Art. 804).

(Amends Ch.C. Arts. 813(C), 815.1(D), 818(A), 843, and 877; adds Ch.C. Arts. 412(Q), 804(10) and 877.1; repeals Ch.C. Art. 815.1(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide timelines for the filing of delinquency petitions alleging either a misdemeanor-grade or felony-grade act if a child is not continued in custody prior to adjudication.
2. Clarify that a contradictory hearing is required before a court's dismissal of a petition due to the expiration of time limitations.
3. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Require an officer to promptly notify the appropriate district attorney when a child has been taken into custody pursuant to a court order.
2. Reduce proposed law time limitations to commence the adjudication hearing as follows:
  - (a) For a child charged with a crime of violence and continued in custody, from 120 days to 90 days.
  - (b) For a child not charged with a crime of violence and continued in custody, from 90 days to 45 days.
  - (c) For a child not continued in custody, from 180 days to 120 days.
3. Change present law relative to timely commencement of adjudication hearings and dismissal procedures to include provisions of proposed law relative to the expiration of time limitations and dismissal of proceedings against the child.
4. Change proposed law references from "juvenile" to "child".
5. Remove proposed law references to interruption of time limitations.
6. Clarify the suspension of time limitations relative to when a child cannot be adjudicated due to lack of mental capacity, the ordering of restoration services, or the continuing of the matter for review of the child's mental capacity, rather than a finding of insanity at the time of the offense.
7. Remove proposed law relative to the suspension of time limitations established in present law (Ch.C. Art. 877) when a child files certain motions, pleas, or requests until the ruling of the court on such motions, pleas, or requests.
8. Remove proposed law relative to the minimum 90-day time period to commence an adjudication hearing after suspension.
9. Clarify the circumstances that require resumption of the time limitations established in present law (Ch.C. Art. 877).
10. Provide that one of the proposed law definitions for "notice" is the filing by an officer, as provided in present law (Ch.C. Art. 813), in the court record where the petition on the original charge is pending rather than actual notice of arrest provided to the district attorney.
11. Provide for time periods to commence adjudication proceedings after the resumption of the time limitations established in present law (Ch.C. Art. 877).

12. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Make technical changes.
2. Add provision authorizing law enforcement officers, prosecuting agencies, or judicial officers to obtain records relating to delinquency or status offenses proceedings which are relevant to an ongoing delinquency or criminal investigation or proceeding.
3. Add provision requiring a child to be photographed or fingerprinted if taken into custody for the commission of a felony-grade delinquent act.