

2026 Regular Session

HOUSE BILL NO. 140

BY REPRESENTATIVE COX

1 AN ACT

2 To amend and reenact Children's Code Articles 315(B)(introductory paragraph), 813(C),
3 815.1(D), 818(A), 843, and 877, to enact Children's Code Articles 412(Q), 804(10),
4 and 877.1, and to repeal Children's Code Article 815.1(E), relative to juvenile
5 delinquency proceedings; to provide for confidentiality of records; to provide
6 relative to the taking of a child into custody; to provide for definitions; to provide
7 relative to juvenile detention; to provide for time limitations relative to juvenile
8 delinquency proceedings; to provide relative to the suspension and expiration of time
9 limitations; to provide for identification procedures; and to provide for related
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Children's Code Articles 315(B)(introductory paragraph), 813(C),
13 815.1(D), 818(A), 843, and 877 are hereby amended and reenacted and Children's Code
14 Articles 412(Q), 804(10), and 877.1 are hereby enacted to read as follows:

15 Art. 315. Transfer of proper venue

16 * * *

17 B. After adjudication, the court in which a petition is filed ~~shall~~ may transfer
18 the proceeding if it receives information at any time that both of the following exist:

19 * * *

20 Art. 412. Confidentiality of records; disclosure exceptions; sanctions

21 * * *

22 Q. Nothing in this Section shall prohibit law enforcement officers,
23 prosecuting agencies, or judicial officers from obtaining records relating to
24 delinquency or status offenses proceedings which are relevant to an ongoing
25 delinquency or criminal investigation or proceeding. A court order shall not be
26 necessary for such access. However, the custodian of such records may seek a

1 protective order prohibiting or limiting the disclosure upon a showing of good cause
2 that such protection is necessary in the interests of justice. All such records produced
3 and the information contained therein shall be protected from disclosure by the
4 recipient outside of the criminal justice system as defined in R.S. 15:572.

5 * * *

6 Art. 804. Definitions

7 As used in this Title:

8 * * *

9 (10) "Custody" means actual confinement in a detention center.

10 * * *

11 Art. 813. Taking child into custody with a court order; filing of verified complaint;
12 execution

13 * * *

14 C. An order directing that a child be taken into custody may be executed by
15 a peace officer or the child's probation officer having territorial jurisdiction over the
16 child. The officer shall promptly notify the child's parents that their child has been
17 taken into custody and promptly notify the district attorney in the jurisdiction where
18 any court order for the child to be taken into custody was issued that the child has
19 been taken into custody by filing notice in the court record where the petition on the
20 original charge is pending advising the court of the custodial location of the child
21 with a copy provided to the district attorney and certification of notice provided to
22 the district attorney. Notification to the district attorney is required even if the court
23 order is issued from a different jurisdiction than the one where the child is taken into
24 custody. The officer shall also promptly conduct the child to the appropriate facility
25 in accordance with Article 815.

26 * * *

27 Art. 815.1. Alternative to detention programs

28 * * *

29 ~~D. An alternative to detention program shall be considered a form of~~
30 ~~detention and the time periods set forth in Articles 854 and 877 shall apply unless~~

1 waived by the child. ~~No child shall remain enrolled in an alternative to detention~~
2 ~~program following a disposition hearing, except as an alternative to placement in~~
3 ~~detention or other out-of-home placement.~~

4 E. An alternative to detention program is intended to serve the same limited
5 purpose as secure detention as set forth in R.S. 15:1110. The child's participation in
6 an alternative to detention program shall not be considered an adjudication nor shall
7 it suspend delinquency proceedings. An alternative to detention program may
8 include rehabilitative components, ~~but continued participation in the program shall~~
9 ~~not be required post-adjudication, except as an alternative to detention of the child~~
10 ~~or other out-of-home placement.~~ Placement of a child in an alternative to detention
11 program does not preclude the child from being referred to treatment programs that
12 are not required as a condition of the child's release from detention.

13 * * *

14 Art. 818. Identification procedures

15 A. (1) A child ~~may~~ shall be photographed or fingerprinted in connection with
16 being taken into custody for the commission of ~~either:~~ a felony-grade delinquent act.

17 ~~(1) A felony-grade delinquent act.~~

18 (2) A child may be photographed or fingerprinted in connection with being
19 taken into custody for the commission of a misdemeanor-grade delinquent act.

20 * * *

21 Art. 843. Time for filing of petition; child in custody

22 A. If a child is continued in custody prior to adjudication, the delinquency
23 petition shall be filed within ~~forty-eight hours of~~ five days after the hearing to
24 determine continued custody.

25 B. If a child is not continued in custody prior to adjudication, the
26 delinquency petition alleging a misdemeanor-grade delinquent act shall be filed
27 within fifteen days after the hearing to determine continued custody.

28 C. If a child is not continued in custody prior to adjudication, the
29 delinquency petition alleging a felony-grade delinquent act shall be filed within
30 thirty days after the hearing to determine continued custody.

1 (2) The child cannot be adjudicated because of a finding that the child lacks
2 the mental capacity to proceed and restoration services are ordered pursuant to
3 Article 837(B)(3) or (4), or the matter is continued in accordance with Article
4 837(D)(3).

5 (3) The juvenile fails to appear at any proceeding pursuant to actual notice,
6 with proof of such notice appearing in the record.

7 (4) The child cannot be adjudicated because of the inability to obtain his
8 presence through legal process, or for any other cause beyond the control of the state.

9 B. The running of the time limitations established in Article 877 shall resume
10 as follows:

11 (1) If suspended under Subparagraphs (A)(1) or (A)(3) of this Article, when
12 the child is either taken into custody or appears in person in open court where the
13 petition on the original charge is pending, or the district attorney adjudicating the
14 original charge has notice of the child's custodial location. For purposes of this
15 Paragraph, "notice" means either of the following:

16 (a) Filing in the court record where the petition on the original charge is
17 pending by either the child or the child's counsel advising the court of the child's
18 custodial location with a copy provided to the district attorney and certification of
19 notice provided to the district attorney.

20 (b) Filing in the court record where the petition on the original charge is
21 pending by an officer, as provided in Article 813, advising the court of the child's
22 custodial location with a copy provided to the district attorney and certification of
23 notice provided to the district attorney.

24 (2) If suspended under Subparagraph (A)(2) of this Article, when the court
25 finds the child has the mental capacity to proceed with delinquency proceedings.

26 (3) If suspended under Subparagraph (A)(4) of this Article, when the cause
27 beyond the state's control that was preventing the child from being adjudicated no
28 longer exists.

29 C. After the time limitations established in Article 877 resume pursuant to
30 Paragraph B of this Article, the adjudication proceedings shall commence within

1 either the time period that remained before the Article 877 time limitation was
2 suspended or within thirty days, whichever time period is longer.

3 Section 2. Children's Code Article 815.1(E) is hereby repealed in its entirety.

4 Section 3. The Louisiana State Law Institute is authorized and directed to arrange
5 in alphabetical order and renumber the definitions contained in Children's Code Article 804
6 and to correct any cross-references to the renumbered paragraphs if necessary, consistent
7 with the provisions of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____