
DIGEST

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HB 386 Original

2019 Regular Session

Hilferty

Abstract: When a child has been taken into custody for the commission of a delinquent act, requires the court to consider prior delinquent acts committed by the child when determining whether release of the child is appropriate.

Present law provides that if a child is taken into custody without a court order or warrant, 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 shelter care facility or juvenile detention center.

Present law further provides that as soon as practicable after a child is received by a juvenile detention center or shelter care facility, the court or a probation officer employed and authorized by the court, upon determining it to be appropriate, shall release the child to the care of his parents or other relatives upon their written promise to bring him to court at such times as may be fixed by the court.

Proposed law retains present law and requires the court or the probation officer authorized by the court, in determining whether release of the child is appropriate, to consider the child's prior delinquency record; whether the child has previously committed, or has engaged in a pattern of activity involving, the same or a similar delinquent act for which the child is currently in custody; and whether the instant or any prior delinquent act committed by the child involves a firearm or is based upon an offense against the person of another.

(Amends Ch.C. Art. 817(A))