

2019 Regular Session

HOUSE BILL NO. 11

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

1 AN ACT

2 To amend and reenact Children's Code Articles 814(B)(1) and 815(A) and to enact
3 Children's Code Article 814(B)(3), relative to taking a child into custody; to
4 authorize the release of a seventeen-year-old taken into custody for the commission
5 of a misdemeanor-grade delinquent act upon the issuance of a summons or upon his
6 written promise to appear; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Articles 814(B)(1) and 815(A) are hereby amended and
9 reenacted and 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:~~ do any of the following:

15 (1) Counsel and release the child to the care of his parents upon their written
16 promise to bring the child to court ~~at such time as may be fixed~~ upon notice issued
17 by the court.

18 * * *

19 (3) If the child is seventeen years of age or older and has been taken into
20 custody for the commission of a misdemeanor-grade delinquent act, issue a summons

Proposed law further amends present law to provide that the written promise of the child to appear in court and the written promise of a parent to bring the child to court shall be upon notice issued by the court.

(Amends Ch.C. Art. 814(B)(1) and 815(A); Adds Ch.C. Art. 814(B)(3))

Summary of Amendments Adopted by House

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

1. Amend present law and proposed law to provide that the written promise of the child to appear in court and the written promise of a parent to bring the child to court shall be upon notice issued by the court.
2. Provide that the authority of a peace officer to release the child upon the issuance of a summons or upon the child's written promise to appear in court applies when the person taken into custody is 17 years of age or older.