

2019 Regular Session

HOUSE BILL NO. 47

BY REPRESENTATIVE JENKINS

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

CRIMINAL/PENALTIES: Provides relative to the crime of improper supervision of a minor by a parent or legal custodian

1 AN ACT

2 To amend and reenact R.S. 14:92.2(A)(1) and (2), (B)(1), (C), and (D), to enact Code of  
3 Criminal Procedure Article 211.3, and to repeal R.S. 14:92.2(B)(4), relative to  
4 improper supervision of a minor; to amend the penalties for the crime of improper  
5 supervision of a minor by a parent or legal custodian; to require issuance of a  
6 summons in lieu of arrest of persons who commit the offense; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:92.2(A)(1) and (2), (B)(1), (C), and (D) are hereby amended and  
10 reenacted to read as follows:

11 §92.2. Improper supervision of a minor by parent or legal custodian; ~~penalty~~

12 A. Improper supervision of a minor by a parent or legal custodian, who has  
13 care and control of the minor, includes any of the following:

14 (1) Through criminal negligence, the permitting of the minor to associate  
15 with a person known by the parent or custodian to be any of the following:

16 (a) ~~To be a~~ A member of a known criminal street gang as defined in R.S.  
17 15:1404(A).

18 (b) ~~To have been convicted~~ Convicted of a felony offense.

19 (c) ~~To be a known~~ A user or distributor of drugs in violation of the Uniform  
20 Controlled Dangerous Substances Law.

1 (d) ~~To be a~~ A person who possesses or has access to an illegal firearm,  
2 weapon, or explosive.

3 (2) Through criminal negligence, the permitting of the minor to do any of the  
4 following:

5 (a) ~~To enter~~ Enter premises known by the parent or custodian to be a place  
6 where sexually indecent activities or prostitution is practiced.

7 (b) ~~To violate~~ Violate a local or municipal curfew ordinance.

8 (c) ~~To habitually~~ Habitually be absent or tardy from school pursuant to the  
9 provisions of R.S. 17:233 without valid excuse.

10 (d) ~~To enter~~ Enter the premises known by the parent or legal custodian as a  
11 place of illegal drug use or distribution activity.

12 (e) ~~To enter~~ Enter the premises known by the parent or legal custodian as a  
13 place of underage drinking or gambling.

14 (f) ~~To enter~~ Enter the premises known by the parent or legal custodian as a  
15 place which stores or has a person present who possesses an illegal firearm, weapon,  
16 or explosive.

17 \* \* \*

18 B.(1) Whoever violates the provisions of this Section shall be fined ~~not less~~  
19 ~~than twenty-five dollars~~ and not more than ~~two~~ five hundred ~~fifty~~ dollars ~~for each~~  
20 ~~offense~~, or imprisoned for not more than ~~thirty days~~ six months, or both. A minimum  
21 condition of probation shall be that the offender participate in forty hours of  
22 court-approved community service activities, or a combination of forty hours of  
23 court-approved community service and attendance at a court-approved family  
24 counseling program by both a parent or legal custodian and the minor.

25 \* \* \*

26 C. The provisions of Subparagraph (A)(1)(b) of this Section shall not apply  
27 to an immediate family member who lives in the household with the minor or other  
28 relative who is supervised by the parent or legal custodian when visiting with the  
29 minor.

1           D. No parent or legal guardian shall be guilty of a violation of this Section  
 2 if, upon acquiring knowledge that the minor has undertaken acts as described in  
 3 ~~Paragraphs (1) and (2) of Subsection A~~ Paragraphs (A)(1) and (2) of this Section, the  
 4 parent or legal guardian seeks the assistance of local, parish, or state law  
 5 enforcement officials, school officials, social services officials, or other appropriate  
 6 authorities in either leading the child to modify his or her behavior, or in referring  
 7 the child to appropriate treatment or corrective facilities.

8           Section 2. Code of Criminal Procedure Article 211.3 is hereby enacted to read as  
 9 follows:

10           Art. 211.3. Summons by officer instead of arrest and booking; improper supervision  
 11   of a minor by parent or legal guardian

12           A. When a peace officer has reasonable grounds to believe that a person has  
 13 committed the offense of improper supervision of a minor by parent or legal  
 14 custodian as defined in R.S. 14:92.2, he shall issue a written summons instead of  
 15 making an arrest unless:

16                                   (1) The officer has reasonable grounds to believe that the person will not  
 17 appear upon summons.

18                                   (2) The officer has reasonable grounds to believe that the person will cause  
 19 injury to himself or another, will cause damage to property, or will continue in the  
 20 same or a similar offense unless immediately arrested and booked.

21                                   (3) It is necessary to book the person to comply with routine identification  
 22 procedures.

23           B. In any case in which a summons has been issued, a warrant of arrest may  
 24 later be issued in its place. If the offender fails to appear pursuant to the summons,  
 25 the court shall immediately issue a warrant for the arrest of the offender.

26           Section 3. R.S. 14:92.2(B)(4) is hereby repealed in its entirety.

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**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)]

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HB 47 Engrossed

2019 Regular Session

Jenkins

**Abstract:** Amends the penalties for the crime of improper supervision of a minor and requires the issuance of a summons instead of arrest for persons who commit the offense.

Present law provides for the crime of improper supervision of a minor by a parent or legal custodian and present law penalties include a fine of not less than \$25 and not more than \$250 for each offense, imprisonment for not more than 30 days, or both.

Present law provides that whoever violates the crime of improper supervision of a minor by allowing the minor to be habitually absent or tardy from school without a valid excuse is subject to being fined not less than \$25 nor more than \$250 for each offense, imprisonment for not more than 30 days, or both. Present law requires a minimum condition of probation to be imposed, including school or community service activities.

Proposed law changes the penalties to a fine of not more than \$500, imprisonment for not more than six months, or both and repeals the specific penalty for violation of improper supervision of a minor by allowing the minor to be habitually absent or tardy from school.

Proposed law authorizes a peace officer to issue a summons, in lieu of making an arrest, to any person who commits the offense of improper supervision of a minor unless:

- (1) The officer has reasonable grounds to believe that the person will not appear upon summons.
- (2) The officer has reasonable grounds to believe that the person will cause injury to himself or another, will cause damage to property, or will continue in the same or a similar offense unless immediately arrested and booked.
- (3) It is necessary to book the person to comply with routine identification procedures.

(Amends R.S. 14:92.2(A)(1) and (2), (B)(1), (C), and (D); Adds C.Cr.P. Art. 211.3; Repeals R.S. 14:92.2(B)(4))