

2019 Regular Session

HOUSE BILL NO. 306

BY REPRESENTATIVE JEFFERSON

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

JUVENILE PROCEDURE: Provides relative to continued custody hearings

1 AN ACT

2 To amend and reenact Children's Code Article 819, relative to juvenile delinquency; to
3 provide relative to continued custody hearings; to provide relative to the time period
4 within which a continued custody hearing is required to be set; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Article 819 is hereby amended and reenacted to read as
8 follows:

9 Art. 819. Continued custody hearing; time limitations

10 If a child is not released to the care of his parents, the court shall set and hold
11 a hearing ~~shall be held by the court~~ within three days after the child's entry into the
12 juvenile detention center or shelter care facility. The three-day period includes any
13 legal holiday as defined by Children's Code Article 114. When the last day of the
14 three-day period is a legal holiday, the hearing shall be set and held on the next
15 business day following the legal holiday. If the hearing is not held, the child shall
16 be released unless the hearing is continued at the request of the child.

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)]

HB 306 Engrossed

2019 Regular Session

Jefferson

Abstract: Provides relative to the time period within which a continued custody hearing is required to be held when a child is not released to the care of his parents after the commission of a delinquent act.

Present law (Ch.C. Art. 819) provides if a child is not released to the care of his parents, a hearing shall be held by the court within three days after the child's entry into the juvenile detention center or shelter care facility. If the hearing is not held, the child shall be released unless the hearing is continued at the request of the child.

In addition, present law (Ch.C. Art. 114) provides that all Saturdays and Sundays are also considered as legal holidays.

Proposed law amends present law (Ch.C. Art. 819) to provide that if a child is not released to the care of his parents, the court shall set and hold a hearing within the time period set forth in present law.

Proposed law further provides that the three-day period includes any legal holiday defined by present law (Ch.C. Art. 114). When the last day of the three-day period is a legal holiday, proposed law requires the hearing to be set and held on the next business day following the legal holiday.

(Amends Ch.C. Art. 819)

Summary of Amendments Adopted by House

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

1. Remove the proposed law provision that prohibited the time period for holding the continued custody hearing from exceeding four days, including legal holidays.