

GREEN SHEET REDIGEST

HB 47

2019 Regular Session

Jenkins

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

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DIGEST

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.

Proposed law add "knowingly and willingly" permitting to elements of present law crime of improper supervision of a minor.

Proposed law otherwise retains present law.

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 90 days, 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 directs the court when imposing the sentence for a person convicted of improper supervision of a minor to consider the totality of the circumstances including the best interest of the minor.

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))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Makes technical changes.
2. Adds provision that directs the court to consider the totality of the circumstances including the best interest of the minor.
3. Authorizes, instead of require, the peace officer to issue a summons in lieu of making an arrest.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Adds "knowingly and willingly" permitting to elements of present law crime of improper supervision of a minor.
2. Changes maximum penalty for present law crime of improper supervision of a minor from six months to 90 days.