AN ACT

To enact R.S. 40:2405.9 and Code of Criminal Procedure Article 223, relative to the arrest of persons with minor or dependent children; to provide for the establishment of guidelines and training for law enforcement officers regarding the arrest of persons with minor or dependent children; to require the Council on Peace Officer Standards and Training to develop the guidelines and training in conjunction with certain organizations; to provide for certain requirements of law enforcement officers upon arrest of a person; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2405.9 is hereby enacted to read as follows:

§2405.9. Identification of minor or dependent children of an arrested person; guidelines and training

A. The Council on Peace Officer Standards and Training shall develop guidelines and provide training for law enforcement agencies on identifying and ensuring the safety of minor or dependent children upon the arrest of the child's parent or guardian.

B. The guidelines and training shall include all of the following:

(1) Procedures to ensure that law enforcement officers inquire or otherwise ascertain whether an arrested person has a minor or dependent under his care, custody, or control at the time of the arrest.

(2) Procedures for the proper arrangement of temporary care for children to ensure their safety and well-being with a priority on placing children with supportive family members and trusted adults.
(3) Education on how witnessing a violent crime or other event causes emotional harm to children and how law enforcement can assist in mitigating the long-term effects of the trauma.

(4) Procedures for reporting on the number of instances requiring a referral to a partner organization or transportation of the child to a child advocacy center when the child is unable to be placed with a family member.

(5) Procedures to ensure law enforcement officers receive annual training as mandatory reporters of child abuse or neglect in accordance with Children's Code Article 609.

C. The council shall work in conjunction with and receive input from appropriate non-governmental organizations and other relevant organizations that are invested in the rights of children with incarcerated parents to develop and establish the guidelines and training program required by this Section.

D. Nothing in this Section shall preclude a law enforcement officer's responsibility as a mandatory reporter to report suspected child abuse or neglect in accordance with Children's Code Article 603.

Section 2. Code of Criminal Procedure Article 223 is hereby enacted to read as follows:

Art. 223. Identification of minor or dependent children upon arrest; required inquiry; guidelines

A. A state or local law enforcement officer who arrests a person shall, at the time of the arrest, do all of the following if practicable:

(1) Inquire whether the person is a parent or guardian of a minor or dependent child under the care, custody, or control of the arrested person at the time of the arrest, who may be at risk as a result of the arrest.

(2) Ascertain whether a child is present, relying on all available information including any information received from emergency call operators and any indications at the scene of arrest that a child may be present or at another location.

(3) Permit an arrested person a reasonable opportunity, including providing access to telephone numbers stored in a mobile telephone or other location, to make
alternate arrangements for the care of a child under his care, custody, or control,
including a child who is not present at the scene of the arrest, and to provide a
partner organization with contact information of a preferred alternate caregiver.

(4) Provide an arrested person the opportunity to speak with a child who is
present, prior to such caregiver being transported to a police facility. If such an
opportunity is not practicable, having a police officer explain to such child, using age
appropriate language, that such child did nothing wrong and that the child will be
safe and cared for.

(5) Make reasonable efforts to ensure the safety of minor or dependent
children at risk as a result of an arrest in accordance with guidelines established
pursuant to R.S. 40:2405.9.

B. Law enforcement officers are not required to adhere to the guidelines of
Subsection A of this Section if any of the following circumstances are present:

(1) The arrested caregiver presents a threat of serious bodily injury or death
to himself, others, or the law enforcement officer.

(2) The arrested caregiver is in the act of committing a crime of violence as
defined in R.S. 14:2(B).

(3) The law enforcement officer has exercised due diligence, based on all
available information, and ascertains that no minor children are under the arrested
person's care, custody, or control.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________________

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.