Regular Session, 2011

HOUSE BILL NO. 124

BY REPRESENTATIVE PATRICIA SMITH

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

JUVENILE PROCEDURE: Amends provisions regarding the confidentiality of delinquency hearings to allow the victim and the victim's family members to be present

AN ACT

To amend and reenact Children's Code Articles 407 and 879(A) and to enact Children's Code Article 879(D), relative to delinquency proceedings; to amend provisions relative to the confidentiality of delinquency proceedings; to allow the victim and certain members of the victim's family to be present; to provide for restrictions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known as the "Christopher Vaughn Act" in honor of Christopher Vaughn, a resident of Baton Rouge, Louisiana, who was killed on May 8, 2010.

Section 2. Children's Code Articles 407 and 879(A) are hereby amended and reenacted and Children's Code Article 879(D) is hereby enacted to read as follows:

Art. 407. Confidentiality of hearings

A. With the exceptions of delinquency proceedings pursuant to Article 879, child support proceedings, traffic violations pursuant to Chapter 2 of Title IX in ~~parishes with a population between three hundred eighty thousand and four hundred thousand~~ East Baton Rouge Parish, and misdemeanor trials of adults pursuant to Chapter 4 of Title XV, proceedings before the juvenile court shall not be public. However, the court shall allow the proceedings to be open to the public when the alleged delinquent act committed by the child would be considered a crime of

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violence as defined in R.S. 14:2(B), or when the alleged delinquent act would be a second or subsequent felony-grade adjudication.

B. The child, his parents, counsel, the district attorney, authorized officers of the court, and witnesses called by the parties may be present at an adjudication hearing. The court may admit any other person who has a proper interest in the proceedings or the work of the court.

C. In delinquency proceedings ~~involving the violation of R.S. 14:30, first degree murder; R.S. 14:30.1, second degree murder; R.S. 14:42, aggravated rape; R.S. 14:44, aggravated kidnapping; or R.S. 14:64, armed robbery;~~ the court shall ~~admit~~ allow the victim and the victim's ~~spouse, children, siblings, and parents~~ family members to be present at the adjudication hearing pursuant to the provisions of Article 879.

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Art. 879. Presence at adjudication hearing; exclusion of witnesses

A.(1) The child, his parents, counsel, the district attorney, authorized officials of the court, and witnesses called by the parties may be present at the adjudication hearing.

(2) Except as provided in Paragraph D, the court shall allow the victim and the victim's family members to be present at the adjudication hearing.

* * *

D. On its own motion or on the request of a party, the court may, for good cause, order that certain persons who are allowed to be present at the proceedings pursuant to Subparagraph (A)(2) of this Article be excluded from the courtroom or from a place where they can observe or listen to the proceedings, or refrain from discussing the facts of the case with anyone other than counsel in the case.

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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)]

Patricia Smith HB No. 124

Abstract: Amends provisions relative to the confidentiality of delinquency hearings, allowing the victim and the victim's family members to be present.

Present law provides that with certain exceptions, including an exception for delinquency proceedings, proceedings before the juvenile court shall not be public.

Present law provides that the child, his parents, counsel, the district attorney, authorized officers of the court, and witnesses called by the parties may be present at an adjudication hearing, and provides that the court may admit any other person who has a proper interest in the proceedings or the work of the court.

Present law provides that the court shall allow the proceedings to be open to the public when the alleged delinquent act committed by the child would be considered a crime of violence as defined in R.S. 14:2(B), or when the alleged delinquent act would be a second or subsequent felony-grade adjudication.

Present law provides that in delinquency proceedings involving first degree murder, second degree murder, aggravated rape, aggravated kidnapping, or armed robbery, the court shall admit the victim and the victim's spouse, children, siblings, and parents.

Proposed law amends present law to provide that in all delinquency proceedings, the court shall allow the victim and the victim's family members to be present at the hearing.

Proposed law further provides that the court may, on its own motion or by request of a party, and for good cause, order that certain persons, who are allowed to be present at the proceedings pursuant to proposed law, be excluded from the courtroom or from a place where they can observe or listen to the proceedings, or refrain from discussing the facts of the case with anyone other than counsel in the case.

Proposed law shall be known as the "Christopher Vaughn Act".

(Amends Ch.C. Arts. 407 and 879(A); Adds Ch.C. Art. 879(D))

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