Moreno **HB No. 230**

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

JUVENILE PROCEDURE. Amends provisions relative to dismissal of delinquency proceedings.

DIGEST

Present law provides that all objection to the proceedings, including objections based on defects in the petition and defenses capable of determination as a matter of law, may be raised by a motion to dismiss.

Proposed law changes the appropriate motion from a motion to dismiss to a motion to quash.

Proposed law provides that upon a finding of grounds to quash the petition, the court shall order that petition be quashed and shall render such other orders as provided by law for sustaining a motion to quash on the grounds proven.

Present law provides that the court may, for good cause, dismiss a delinquency petition on its own motion, on the motion of the child, or on the motion of the petitioner. However, the court shall dismiss the petition on the motion of the district attorney.

Proposed law removes the discretionary authority of the court to dismiss a delinquency petition on its own motion, on the motion of the child, or on the motion of the petitioner.

(Amends Ch.C. Art. 875 and 876)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the engrossed bill.

1. Adds provisions relative to motions to quash.

Prepared by Michelle Ducharme.