ENROLLED

Regular Session, 2011

ACT No. 172

HOUSE BILL NO. 230

BY REPRESENTATIVES MORENO, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, CONNICK, GISCLAIR, GUINN, HARDY, HARRISON, HENDERSON, HONORE, LABRUZZO, LOPINTO, LORUSSO, RICHARD, JANE SMITH, ST. GERMAIN, TEMPLET, TUCKER, WILLMOTT, AND WOOTON

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

AN ACT

To amend and reenact Children's Code Articles 875 and 876, relative to delinquency proceedings; to provide relative to motions to dismiss a petition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 875 and 876 are hereby amended and reenacted to read as follows:

Art. 875. Motions to dismiss

A. All objections 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 motion to dismiss.

B. Upon a finding of grounds to dismiss the petition as provided for in Paragraph A of this Article, the court shall order that the petition be dismissed.

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Art. 876. Dismissal of petition

~~For good cause, the court may dismiss a petition on its own motion, on the motion of the child, or on motion of the petitioner.~~ The court shall dismiss a petition on the motion of the district attorney.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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