

Regular Session, 2012

SENATE BILL NO. 519

BY SENATOR MARTINY

JUVENILES. Provides relative to juvenile delinquency proceedings. (8/1/12)

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AN ACT

To amend and reenact Children's Code Articles 407(A), 412(A) and 879, relative to juvenile proceedings; to provide relative to the confidentiality of delinquency hearings and the records thereof; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 407(A), 412(A) and 879 are hereby amended and reenacted to read as follows:

Art. 407. Confidentiality of hearings

A. With the exceptions of delinquency proceedings pursuant to ~~Article 879~~**Title VIII**, child support proceedings, traffic violations pursuant to Chapter 2 of Title IX in 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.

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Art. 412. Confidentiality of records; disclosure exceptions; sanctions

A. Records and reports concerning all matters or proceedings before the juvenile court, except traffic violations **and delinquency proceedings pursuant to Title VIII**, are confidential and shall not be disclosed except as expressly authorized

1 by this Code. Any person authorized to review or receive confidential information
2 shall preserve its confidentiality in the absence of express authorization for sharing
3 with others.

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5 Art. 879. ~~Presence at adjudication hearing; exclusion of witnesses~~ **Adjudication**
6 **hearing**

7 A. ~~The child, his parents, counsel, the district attorney, authorized officials~~
8 ~~of the court, and witnesses called by the parties may be present at the adjudication~~
9 ~~hearing.~~

10 B.(1) ~~All proceedings in a juvenile delinquency case involving a crime of~~
11 ~~violence as defined in R.S. 14:2(B) or a delinquent act which is a second or~~
12 ~~subsequent felony-grade adjudication shall be open to the public.~~

13 (2) ~~Except as otherwise provided by law, in all juvenile delinquency~~
14 ~~proceedings involving the violation of first degree murder (R.S. 14:30), second~~
15 ~~degree murder (R.S. 14:30.1), aggravated rape (R.S. 14:42), aggravated kidnapping~~
16 ~~(R.S. 14:44), armed robbery (R.S. 14:64), negligent homicide (R.S. 14:32) or~~
17 ~~vehicular homicide (R.S. 14:32.1), the court shall allow the victim, the victim's~~
18 ~~spouse, children, siblings, parents, grandparents, guardians, and legal custodians to~~
19 ~~be present at the adjudication hearing.~~

20 C. ~~On its own motion the court may, and on the request of a party the court~~
21 ~~shall, order that the witnesses, other than parties, be excluded from the courtroom or~~
22 ~~from a place where they can see or hear the proceedings, and refrain from discussing~~
23 ~~the facts of the case with anyone other than counsel in the case. In the interest of~~
24 ~~justice, the court may exempt any witness from its order.~~

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cathy R. Wells.

DIGEST

Present law provides for proceedings, records, and reports before juvenile courts to be confidential, except for certain delinquency proceedings, child support proceedings, traffic violations in East Baton Rouge Parish, and certain misdemeanor trials of adults.

Proposed law retains present law and extends confidentiality exception to include all juvenile delinquency proceedings.

Present law authorizes the child, his parents, counsel, the district attorney, authorized officials of the court, and witnesses called by the parties to be present at a juvenile adjudication hearing. Present law further requires all proceedings in a juvenile delinquency case involving a crime of violence as defined in R.S. 14:2(B) or a delinquent act which is a second or subsequent felony-grade adjudication to be open to the public. Present law requires the court to allow the victim, the victim's spouse, children, siblings, parents, grandparents, guardians, and legal custodians to attend juvenile delinquency adjudication proceedings involving the violation of first degree murder, second degree murder, aggravated rape, aggravated kidnapping, armed robbery, negligent homicide, or vehicular homicide.

Proposed law requires all proceedings in a juvenile delinquency adjudication to be open to the public.

Effective August 1, 2012.

(Amends Ch.C. Art. 407(A), 412(A) and 879)