

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) and 412(A) and (H)(1), 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) and 412(A) and (H)(1) 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 H. The district attorney, law enforcement agency, or court may release to the
6 public the following identifying information concerning an alleged or adjudicated
7 delinquent child, provided the child was at least fourteen years old at the commission
8 of the delinquent act:

9 (1) The name, age, and delinquent act for which the child is being charged
10 whenever, in accordance with ~~Article~~ **Articles 813 or** 820, the court has found
11 probable cause that the child committed a crime of violence as defined by R.S.
12 14:2(B) or a second or subsequent felony-grade offense.

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The original instrument was prepared by Cathy R. Wells. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Jerry G. Jones.

DIGEST

Martiny (SB 519)

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 extends exception to confidentiality to include juvenile delinquency proceedings generally.

Present law provides that the district attorney, law enforcement agency, or court may release to the public the following identifying information concerning an alleged or adjudicated delinquent child, provided the child was at least fourteen years old at the commission of the delinquent act: The name, age, and delinquent act for which the child is being charged whenever the court has found probable cause for continued custody prior to adjudication that the child committed a crime of violence as defined by R.S. 14:2(B) or a second or subsequent felony-grade offense. Proposed law retains present law and also authorizes release of such information when the court executes an order, after verified complaint, directing that a child be taken into custody for commission of a delinquent act or violation of the terms of his probation or release.

Effective August 1, 2012.

(Amends Ch.C. Art. 407(A) and 412(A) and (H)(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Deletes language relative to adjudication hearings and presence of witnesses and others.
2. Adds language including orders directing a child be taken into custody.