

Regular Session, 2012

SENATE BILL NO. 519

BY SENATOR MARTINY

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

1 AN ACT

2 To amend and reenact Children's Code Article 412(H)(1), relative to juvenile proceedings;  
3 to provide relative to the confidentiality of delinquency hearings and the records  
4 thereof; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Article 412(H)(1) is hereby amended and reenacted to  
7 read as follows:

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

9 \* \* \*

10 H. The district attorney, law enforcement agency, or court may release to the  
11 public the following identifying information concerning an alleged or adjudicated  
12 delinquent child, provided the child was at least fourteen years old at the commission  
13 of the delinquent act:

14 (1) The name, age, and delinquent act for which the child is being charged  
15 whenever, in accordance with ~~Article~~ **Articles 813 or** 820, the court has found  
16 probable cause that the child committed a crime of violence as defined by R.S.  
17 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 Nancy Vicknair.

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#### 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.

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. 412(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.

##### Senate Floor Amendments to engrossed bill

1. Deletes language regarding the confidentiality of hearings and records in juvenile delinquency proceedings generally.