HLS 19RS-453 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 386

BY REPRESENTATIVE HILFERTY

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

JUVENILE PROCEDURE: Provides relative to the release of a child taken into custody for commission of a delinquent act

1 AN ACT

To amend and reenact Children's Code Article 817(A), relative to release of a child from custody; to provide relative to the release of a child who is taken into custody for commission of a delinquent act; to require the court to consider certain information in determining whether release of the child is appropriate; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 817(A) is hereby amended and reenacted to read 9 as follows:

Art. 817. Release from custody

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A. As soon as practicable after a child is received by a juvenile detention center or shelter care facility, the court or a probation officer employed and authorized by the court, upon determining it to be appropriate, shall release the child to the care of his parents or other relatives upon their written promise to bring him to court at such times as may be fixed by the court. In determining whether release of the child is appropriate, the court or the probation officer authorized by the court shall consider the child's prior delinquency record; whether the child has previously committed, or has engaged in a pattern of activity involving, the same or a similar delinquent act for which the child is currently in custody; and whether the instant or any prior delinquent act committed by the child involves a firearm or is based upon

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

an offense against the person of another. The If the court determines that release of
the child is appropriate, the court may also impose reasonable restrictions upon the
child's travel, place of abode, association with other people, or employment during
the period of this release.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 386 Original

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Hilferty

**Abstract:** When a child has been taken into custody for the commission of a delinquent act, requires the court to consider prior delinquent acts committed by the child when determining whether release of the child is appropriate.

<u>Present law</u> provides that if a child is taken into custody without a court order or warrant, the officer shall have the responsibility to either:

- (1) Counsel and release the child to the care of his parents upon their written promise to bring the child to court at such time as may be fixed by the court.
- (2) Promptly escort the child to the appropriate shelter care facility or juvenile detention center.

<u>Present law</u> further provides that as soon as practicable after a child is received by a juvenile detention center or shelter care facility, the court or a probation officer employed and authorized by the court, upon determining it to be appropriate, shall release the child to the care of his parents or other relatives upon their written promise to bring him to court at such times as may be fixed by the court.

<u>Proposed law</u> retains <u>present law</u> and requires the court or the probation officer authorized by the court, in determining whether release of the child is appropriate, to consider the child's prior delinquency record; whether the child has previously committed, or has engaged in a pattern of activity involving, the same or a similar delinquent act for which the child is currently in custody; and whether the instant or any prior delinquent act committed by the child involves a firearm or is based upon an offense against the person of another.

(Amends Ch.C. Art. 817(A))