
DIGEST

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HB 11 Engrossed

2019 Regular Session

Bacala

Abstract: Authorizes the release of a child who is 17 years of age or older taken into custody for the commission of a misdemeanor-grade delinquent act upon the issuance of a summons or upon his written promise to appear.

Present law (Ch.C. Art. 814) provides that a child may be taken into custody without a court order or warrant by a peace officer or probation officer if the officer has probable cause to believe that the child has committed a delinquent act.

If a child is taken into custody without a court order or warrant, present law (Ch.C. Art. 814) provides that 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 facility in accordance with present law (Ch.C. Art. 815).

In this regard, present law (Ch.C. Art. 815) requires the peace officer or an appropriate representative of the arresting agency to transport the child to the appropriate place of detention specified in present law, unless the child has been released to the care of his parents pursuant Paragraph (1) above.

Present law (Ch.C. Art. 804) provides that a 17-year-old who commits, on or after March 1, 2019, a delinquent act that is not a crime of violence may be subject to delinquency proceedings of the appropriate court exercising juvenile court jurisdiction instead of being subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction.

Proposed law provides that if a child who is 17 years of age or older is taken into custody without a court order or warrant for a misdemeanor-grade delinquent act, the peace officer has the additional option of releasing the child upon the issuance of a summons or upon the child's written promise to appear in court upon notice issued by the court.

Proposed law further amends present law to provide that the written promise of the child to appear in court and the written promise of a parent to bring the child to court shall be upon notice issued by the court.

(Amends Ch.C. Art. 814(B)(1) and 815(A); Adds Ch.C. Art. 814(B)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Amend present law and proposed law to provide that the written promise of the child to appear in court and the written promise of a parent to bring the child to court shall be upon notice issued by the court.
2. Provide that the authority of a peace officer to release the child upon the issuance of a summons or upon the child's written promise to appear in court applies when the person taken into custody is 17 years of age or older.