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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 34 Original

2020 Regular Session

Connick

Present law provides that, with leave of court, the petitioner may amend a delinquency petition at any time to cure defects of form.

Proposed law removes the requirement for leave of court to amend a delinquency petition to cure defects of form, and adds that the delinquency petition may be amended without leave of court to also cure imperfections, omissions, uncertainties, and variances between the allegations of the petition and the evidence offered in support thereof. Proposed law otherwise retains present law.

Present law provides that, with leave of court and prior to the adjudication hearing, the petitioner may amend the delinquency petition to include new allegations of fact or requests for adjudication. Present law further provides that if such leave is granted, the child may request a continuance of the adjudication hearing, and a continuance may be granted for such period as is required in the interest of justice.

Proposed law removes the requirement for leave of court to amend a delinquency petition to include new allegations of fact or requests for adjudication. Proposed law adds that a continuance of the proceedings is to be granted to the child if the child has been prejudiced in his defense on the merits by any defect in the petition with respect to which an amendment is made, and such continuance is to be for a reasonable period of time. Proposed law further adds that in determining whether the child has been prejudiced in his defense upon the merits, the court is to consider all circumstances of the case and the entire course of the prosecution. Proposed law otherwise retains present law.

Effective August 1, 2020.

(Amends Ch.C. Art. 846(A) and (B); adds Ch.C. Art. 846(D))