
DIGEST

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HB 70 Original

2021 Regular Session

Thomas

Abstract: Adds grounds for amending a petition in delinquency proceedings and requires the court to consider certain factors in determining whether a child has been prejudiced in his defense.

Present law provides that with leave of court the petitioner may amend the petition at anytime to cure defects of form.

Present law further provides that with leave of court and prior to the adjudication hearing, the petitioner may amend the petition to include new allegations of fact or requests for adjudication.

Present law also provides that if such leave is granted, the child may request a continuance of the adjudication hearing and that continuance may be granted for such a period as is required in the interest of justice.

Proposed law no longer requires leave of court to amend the petition or to include new allegations of fact or requests for adjudication.

Proposed law adds imperfection, omission, and uncertainty as grounds for amending a petition in delinquency proceedings.

Proposed law specifies that on the motion of the child that he has been prejudiced in his defense on the merits by defect of form, imperfection, omission, or uncertainty, the court may grant a continuance for a reasonable time.

Proposed law requires the court to consider all circumstances of the case and the entire court of the prosecution in determining whether the child has been prejudiced in his defense on the merits.

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