

## RÉSUMÉ DIGEST

ACT 418 (HB 54)

2023 Regular Session

Schlegel

Existing law subjects a child who is 15 years of age or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping to the exclusive jurisdiction of the juvenile court until either an indictment charging one of these offenses is returned or the juvenile court holds a continued custody hearing pursuant to existing law and finds probable cause that he committed one of these offenses.

Existing law provides the district attorney with the discretion to file a petition alleging any of the offenses listed in existing law in the juvenile court or, alternatively, to obtain an indictment. Further provides that if the child is being held in detention, the district attorney shall file the petition or indictment in the appropriate court within 30 calendar days after the child's arrest, unless the child waives this right.

New law increases the amount of days that the district attorney has to file the petition or indictment from 30 days to 60 days.

New law provides that the failure to institute prosecution as provided in new law shall result in release of the child if, after a contradictory hearing with the district attorney, just cause for the failure is not shown.

New law provides that if just cause is shown, the court shall reconsider bail for the child. Further provides that the failure to institute prosecution as provided in new law shall result in the release of the bail obligation if, after a contradictory hearing with the district attorney, just cause for the delay is not shown.

New law provides that when the juvenile court holds a continued custody hearing pursuant to existing law and finds probable cause that the child committed one of the offenses listed in existing law, the time limitations contained in existing law are inapplicable and the time period for filing an indictment after arrest shall be governed by other existing law.

Existing law subjects a child who is 15 years of age or older at the time of any of the offenses listed in existing law to the exclusive jurisdiction of the juvenile court until either an indictment charging one of these offenses is returned or the juvenile court holds a continued custody hearing and finds probable cause that he committed one of these offenses.

Existing law provides the district attorney with the discretion to file a petition alleging any of the offenses listed in existing law in the juvenile court or, alternatively, to obtain an indictment. Further provides that if the child is being held in detention, the district attorney shall file the indictment, bill of information, or petition in the appropriate court within 30 calendar days after the child's arrest, unless the child waives this right.

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New law shall be cited and referred to as "The Juvenile Transfer Act".

Effective August 1, 2023.

(Amends Ch.C. Art. 305(A)(2) and (B)(3))