

2026 Regular Session

HOUSE BILL NO. 1106

BY REPRESENTATIVE TERRY LANDRY

CRIMINAL/PROCEDURE: Provides relative to the custodial interrogation of children

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 230 and R.S. 15:451 and to enact
3 Children's Code Article 810(D)(4) and 881.2, relative to the custodial interrogation
4 of children; to provide for admissibility; to provide relative to waiver of the right to
5 counsel with respect to children; to provide for an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 810(D)(4) and 881.2 are hereby enacted to read
9 as follows:

10 Art. 810. Waiver of right to counsel

11 * * *

12 D. The child shall not be permitted to waive assistance of counsel in the
13 following circumstances:

14 * * *

15 (4) During a custodial interrogation.

16 * * *

17 Art. 881.2. Admissibility of statement made by child during a custodial
18 interrogation

19 Notwithstanding any other provision of law to the contrary, a statement made
20 by a child during a custodial interrogation is not admissible in any judicial

1 proceeding unless the child had his counsel present during the interrogation. No
2 child may waive the right to counsel for the purposes of custodial interrogation.

3 Section 2. Code of Criminal Procedure Article 230 is hereby amended and reenacted
4 to read as follows:

5 Art. 230. Rights of person arrested

6 The person arrested has, from the moment of his arrest, a right to procure and
7 confer with counsel and to use a telephone or send a messenger for the purpose of
8 communicating with his friends or with counsel. Anyone fifteen years of age and
9 younger is subject to Children's Code Article 881.2.

10 Section 3. R.S. 15:451 is hereby amended and reenacted to read as follows:

11 §451. Condition precedent to use of confession; free and voluntary rule

12 Before what purports to be a confession can be introduced in evidence, it
13 ~~must~~ shall be affirmatively shown that it was free and voluntary, and not made under
14 the influence of fear, duress, intimidation, menaces, threats, inducements or
15 promises. Anyone fifteen years of age and younger is subject to Children's Code
16 Article 881.2.

17 Section 4. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, as provided by Article III, Section 18 of the Constitution of
19 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
20 shall become effective on the day following such approval.

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 1106 Original

2026 Regular Session

Terry Landry

Abstract: Prohibits the admissibility of statements made in custodial hearings by anyone 15 years of age or younger without an attorney present at the interrogation.

Present law provides circumstance for which a child is not permitted to waive the right to an attorney.

Proposed law retains present law and provides that a child cannot waive his right to an attorney during a custodial interrogation.

Proposed law provides that a statement made by a child is not admissible in a judicial proceeding unless the child had his attorney present during the interrogation.

Present law provides that an arrested person has the right to confer with counsel and use a telephone to communicate with friends or counsel.

Present law provides that a confession must be affirmatively shown to be free and voluntary.

Proposed law retains present law and provides that anyone 15 years of age or younger is subject to proposed law requiring an attorney to be present during an interrogation.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 230 and R.S. 15:451; Adds Ch.C. Art. 810(D)(4) and 881.2)