

2019 Regular Session

HOUSE BILL NO. 47

BY REPRESENTATIVE JENKINS

1 AN ACT

2 To amend and reenact R.S. 14:92.2(A)(1) and (2), (B)(1), (C), and (D), to enact Code of
3 Criminal Procedure Article 211.3, and to repeal R.S. 14:92.2(B)(4), relative to
4 improper supervision of a minor; to amend the penalties for the crime of improper
5 supervision of a minor by a parent or legal custodian; to provide relative to
6 sentencing; to require issuance of a summons in lieu of arrest of persons who commit
7 the offense; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:92.2(A)(1) and (2), (B)(1), (C), and (D) are hereby amended and
10 reenacted to read as follows:

11 §92.2. Improper supervision of a minor by parent or legal custodian; ~~penalty~~

12 A. Improper supervision of a minor by a parent or legal custodian, who has
13 care and control of the minor, includes any of the following:

14 (1) Through criminal negligence, ~~the~~ or knowingly or willfully, permitting
15 ~~of~~ the minor to associate with a person known by the parent or custodian to be any
16 of the following:

17 (a) ~~To be a~~ A member of a known criminal street gang as defined in R.S.
18 15:1404(A).

19 (b) ~~To have been convicted~~ Convicted of a felony offense.

20 (c) ~~To be a known~~ A user or distributor of drugs in violation of the Uniform
21 Controlled Dangerous Substances Law.

1 (d) ~~To be a~~ A person who possesses or has access to an illegal firearm,
 2 weapon, or explosive.

3 (2) Through criminal negligence, ~~the~~ or knowingly or willfully, permitting
 4 of the minor to do any of the following:

5 (a) ~~To enter~~ Enter premises known by the parent or custodian to be a place
 6 where sexually indecent activities or prostitution is practiced.

7 (b) ~~To violate~~ Violate a local or municipal curfew ordinance.

8 (c) ~~To habitually~~ Habitually be absent or tardy from school pursuant to the
 9 provisions of R.S. 17:233 without valid excuse.

10 (d) ~~To enter~~ Enter the premises known by the parent or legal custodian as a
 11 place of illegal drug use or distribution activity.

12 (e) ~~To enter~~ Enter the premises known by the parent or legal custodian as a
 13 place of underage drinking or gambling.

14 (f) ~~To enter~~ Enter the premises known by the parent or legal custodian as a
 15 place which stores or has a person present who possesses an illegal firearm, weapon,
 16 or explosive.

17 * * *

18 B.(1) Whoever violates the provisions of this Section shall be fined ~~not less~~
 19 ~~than twenty-five dollars and~~ not more than ~~two~~ five hundred ~~fifty~~ dollars ~~for each~~
 20 ~~offense~~, or imprisoned for not more than ~~thirty days~~ ninety days, or both. A
 21 minimum condition of probation shall be that the offender participate in forty hours
 22 of court-approved community service activities, or a combination of forty hours of
 23 court-approved community service and attendance at a court-approved family
 24 counseling program by both a parent or legal custodian and the minor.

25 * * *

26 C. The provisions of Subparagraph (A)(1)(b) of this Section shall not apply
 27 to an immediate family member who lives in the household with the minor or other
 28 relative who is supervised by the parent or legal custodian when visiting with the
 29 minor.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
 are additions.

1 D.(1) No parent or legal guardian shall be guilty of a violation of this Section
 2 if, upon acquiring knowledge that the minor has undertaken acts as described in
 3 ~~Paragraphs (1) and (2) of Subsection A~~ Paragraphs (A)(1) and (2) of this Section, the
 4 parent or legal guardian seeks the assistance of local, parish, or state law
 5 enforcement officials, school officials, social services officials, or other appropriate
 6 authorities in either leading the child to modify his or her behavior, or in referring
 7 the child to appropriate treatment or corrective facilities.

8 (2) When imposing the sentence for a person convicted of this offense, the
 9 court shall consider the totality of the circumstances including the best interest of the
 10 minor.

11 Section 2. Code of Criminal Procedure Article 211.3 is hereby enacted to read as
 12 follows:

13 Art. 211.3. Summons by officer instead of arrest and booking; improper supervision
 14 of a minor by parent or legal guardian

15 A. When a peace officer has reasonable grounds to believe that a person has
 16 committed the offense of improper supervision of a minor by parent or legal
 17 custodian as defined in R.S. 14:92.2, he may issue a written summons instead of
 18 making an arrest unless any of the following conditions exist:

19 (1) The officer has reasonable grounds to believe that the person will not
 20 appear upon summons.

21 (2) The officer has reasonable grounds to believe that the person will cause
 22 injury to himself or another, will cause damage to property, or will continue in the
 23 same or a similar offense unless immediately arrested and booked.

24 (3) It is necessary to book the person to comply with routine identification
 25 procedures.

26 B. In any case in which a summons has been issued, a warrant of arrest may
 27 later be issued in its place. If the offender fails to appear pursuant to the summons,
 28 the court shall immediately issue a warrant for the arrest of the offender.

1 Section 3. R.S. 14:92.2(B)(4) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____