

## RÉSUMÉ DIGEST

ACT 290 (HB 47)

2019 Regular Session

Jenkins

Existing law provides for the crime of improper supervision of a minor by a parent or legal custodian which prohibits a parent or legal custodian from negligently permitting a minor to engage in certain activities.

New law expands the application of existing law to apply when the parent or legal custodian knowingly or willfully permits a minor to engage in the prohibited activities.

Prior law penalties included a fine of not less than \$25 and not more than \$250 for each offense, imprisonment for not more than 30 days, or both.

Prior law provided that whoever violated the crime of improper supervision of a minor by allowing the minor to be habitually absent or tardy from school without a valid excuse was subject to a fine of not less than \$25 nor more than \$250 for each offense, imprisonment for not more than 30 days, or both.

Existing law requires as a minimum condition of probation that the offender be required to participate in 40 hours of community service activities, counseling, or both.

New law retains the existing law probation requirement but changes the prior law penalties to a fine of not more than \$500, imprisonment for not more than 90 days, or both, and eliminates the specific prior law penalty which applied for improper supervision of a minor by allowing the minor to be habitually absent or tardy from school.

New law directs the court to consider the totality of the circumstances including the best interest of the minor when imposing the sentence for a person convicted of improper supervision of a minor.

New law authorizes a peace officer to issue a summons, in lieu of making an arrest, to any person who commits the offense of improper supervision of a minor unless:

- (1) The officer has reasonable grounds to believe that the person will not appear upon summons.
- (2) The officer has reasonable grounds to believe that the person will cause injury to himself or another, will cause damage to property, or will continue in the same or a similar offense unless immediately arrested and booked.
- (3) It is necessary to book the person to comply with routine identification procedures.

Effective August 1, 2019.

(Amends R.S. 14:92.2(A)(1) and (2), (B)(1), (C), and (D); Adds C.Cr.P. Art. 211.3; Repeals R.S. 14:92.2(B)(4))