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## DIGEST

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HB 453 Engrossed

2020 Regular Session

Hilferty

**Abstract:** Requires motions for modification to be served upon all parties at least three days prior to the hearing and provides relative to the court's authority to modify a disposition with or without a contradictory hearing.

Present law provides that a motion for modification may be filed by the district attorney, the child, his parents, the custodian of the child, a probation officer, or the court.

Proposed law requires a motion for modification to be served upon all parties at least three days prior to the hearing.

Present law provides that a motion to modify may be denied without a hearing and further provides that a hearing is not required if the motion to modify seeks the imposition of less restrictive conditions. Further provides that when the motion to modify seeks the imposition of more restrictive conditions, the court shall conduct a contradictory hearing, except upon the waiver of the parties.

Proposed law provides that any motion for modification shall be tried contradictorily against the district attorney and removes the present law provisions which authorize the court to deny a motion to modify or to impose less restrictive conditions without a contradictory hearing.

Proposed law retains the present law provisions which authorize the parties to waive a contradictory hearing when the motion to modify seeks the imposition of more restrictive conditions.

(Amends Ch.C. Art. 910)

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Change the time period within which a motion for modification is required to be served upon all parties from at least 10 to at least three days prior to the hearing.
2. Remove the present law provision which authorizes the court to deny a motion to modify without a contradictory hearing.
3. Provide that any motion for modification shall be tried contradictorily against the district

attorney.

4. Restore the present law provision which requires the court to conduct a contradictory hearing when the motion to modify seeks the imposition of more restrictive conditions, except upon the waiver of the parties.