
DIGEST

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HB 453 Reengrossed

2020 Regular Session

Hilferty

Abstract: Requires all motions for modification to be tried contradictorily except under certain circumstances and requires motions for modification to be served upon all parties at least three days prior to the hearing unless waived by the parties.

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 all motions for modification to be served upon all parties at least three days prior to the hearing except upon waiver by the parties.

Present law provides that a motion to modify may be denied without a hearing and that a hearing is not required if the motion to modify seeks the imposition of less restrictive conditions. Present law 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 retains the present law provision authorizing the court to deny a motion for modification without a hearing. Proposed law amends present law to require all motions for modification to be tried at a contradictory hearing unless waived by the parties.

(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.

The House Floor Amendments to the engrossed bill:

1. Restore the present law provision authorizing the court to deny a motion for modification without a contradictory hearing.
2. Provide that all motions for modification shall be tried at a contradictory hearing unless waived by the parties.
3. Provide that service of the motion for modification required by proposed law may be waived by the parties.