
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to
Original House Bill No. 70 by Representative ThomasAMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "and to" change "Children's Code Article 846(A) and (B)" to "Children's Code Articles 635(A) and (B), 658, 750(B),(C), and (D), 764, and 846(A) and (B)"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, change "Article 846(D)" to "Articles 635(C), 750(E), and 846(D)"

AMENDMENT NO. 3

On page 1, line 3, after "relative to" and before "proceedings" change "delinquency" to "certain juvenile"

AMENDMENT NO. 4

On page 1, line 4, after "of" and before "proceedings" change "delinquency" to "certain juvenile"

AMENDMENT NO. 5

On page 1, line 4, after "amendment" and before "of" insert "or dismissal"

AMENDMENT NO. 6

On page 1, at the beginning of line 5, delete "the delinquency proceeding petition" and insert "certain juvenile proceeding petitions"

AMENDMENT NO. 7

On page 1, line 7, after "Section 1." and before "are" change "Children's Code Article 846(A) and (B)" to "Children's Code Articles 635(A) and (B), 658, 750(B), (C), and (D), 764, and 846(A) and (B)"

AMENDMENT NO. 8

On page 1, line 8, after "and" and before "hereby" change "Children's Code Article 846(D) is" to "Children's Code Articles 635(C), 750(E), and 846(D) are"

AMENDMENT NO. 9

On page 1, between lines 8 and 9 insert the following:

"Art. 635. Amendment of petition

A. ~~With leave of court, the~~ The petitioner may amend the petition at any time to cure defects of form, imperfection, omission, or uncertainty.

B. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner may amend the petition to include new allegations of fact or requests for adjudication. ~~However, if such leave is granted, the child or parent may request a~~

1 ~~continuance of the adjudication hearing. A continuance may be granted for such~~
2 ~~period as is required in the interest of justice.~~

3 C. On motion of the child or parent that he has been prejudiced in his
4 defense on the merits by defect of form, imperfection, omission, or uncertainty, the
5 court may grant a continuance for a reasonable time. In determining whether the
6 child or parent has been prejudiced in his defense upon the merits, the court shall
7 consider all circumstances of the case and the entire course of the proceedings.

8 * * *

9 Art. 658. Dismissal of petition

10 ~~A. For good cause, the court may dismiss a petition on its own motion, or on~~
11 ~~the motion of the child or the parent.~~

12 B. The court shall dismiss a petition on the motion of the petitioner.

13 * * *

14 Art. 750. Amendment of petition

15 * * *

16 B. ~~With leave of court, the~~ The petitioner may amend the petition at any time
17 to cure defects of form, imperfection, omission, or uncertainty.

18 C. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner
19 may amend the petition to include new allegations of fact or requests for
20 adjudication. ~~However, if such leave is granted, the child or parent may request a~~
21 ~~continuance of the adjudication hearing. A continuance may be granted for such~~
22 ~~period as is required in the interest of justice.~~

23 D. ~~With leave of court, prior~~ Prior to the adjudication hearing, the petitioner
24 may dismiss the family in need of services petition and instead file a petition which
25 alleges delinquency pursuant to Title VIII or that a child is in need of care pursuant
26 to Title VI.

27 E. On motion of the child or parent that he has been prejudiced in his defense
28 on the merits by defect of form, imperfection, omission, or uncertainty, the court
29 may grant a continuance for a reasonable time. In determining whether the child or
30 parent has been prejudiced in his defense upon the merits, the court shall consider
31 all circumstances of the case and the entire course of the proceedings.

32 * * *

33 Art. 764. Dismissal of petition

34 ~~A. For good cause, the court may dismiss a petition on its own motion, or on~~
35 ~~the motion of the child, the caretaker, or the person filing the petition.~~

36 B. The court shall dismiss a petition on the motion of the district attorney.

37 * * *

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