
The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

SB 370 Reengrossed

DIGEST
2022 Regular Session

Harris

Present law provides that the father and the mother are responsible for the damage occasioned by their minor child, who resides with them or who has been placed by them under the care of other persons, reserving to them recourse against those persons. Present law further provides that the father and mother are not responsible for the damage occasioned by their minor child who has been emancipated by marriage, by judgment of full emancipation, or by judgment of limited emancipation that expressly relieves the parents of liability for damages occasioned by their minor child.

Proposed law retains present law.

Present law authorizes a court to impose any term and condition deemed in the best interests of the child and the public, including the following requirements:

- (1) The child attend school, if the school admits the child.
- (2) The child or his parent or legal guardian perform court-approved community service activities.
- (3) The child make reasonable restitution to any victim for any personal or property damage caused by the child in the commission of the delinquent act.
- (4) The child participate in any program of medical or psychological or other treatment found necessary for his rehabilitation.
- (5) Suspend or restrict the child's driving privileges.
- (6) Prohibit the child from possessing a firearm or carrying a concealed weapon.
- (7) The child pay a monthly supervision fee of not less than \$10 nor more than \$100 per month.

Proposed law retains present law and authorizes the court to impose a requirement that the child and his parent or legal guardian cooperate in connection with any part of the disposition order including but not limited to a court-approved decisionmaking course necessary for his rehabilitation.

Proposed law adds that if a child is ordered to pay restitution as a condition of probation for the commission of a delinquent act and the child cannot make payment, then a parent, tutor, guardian, or other person who is financially responsible for the care of the child may be responsible for payment of the restitution. Proposed law further authorizes the court to waive payment of the restitution by a parent, tutor, guardian, or other person financially responsible for the care of the

child, upon a finding of good cause.

Effective August 1, 2022.

(Amends Ch.C. Art. 897(B)(2) and 899(B)(2)(c); adds Ch. C. Art. 899(B)(2)(h))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Restores present law authorization for a court to impose a requirement that the child or his parent or legal guardian perform court-approved community service activities.

Senate Floor Amendments to engrossed bill

1. Changes court-imposed condition, as a condition of probation, from requiring child and parent or guardian participate in a court-approved decisionmaking course necessary for rehabilitation to cooperation in connection with any part of the disposition order, including but not limited to a court-approved decisionmaking course necessary for his rehabilitation.