

# ACT No. 418

2023 Regular Session

HOUSE BILL NO. 54

BY REPRESENTATIVES SCHLEGEL AND HILFERTY

1 AN ACT

2 To amend and reenact Children's Code Article 305(A)(2) and (B)(3), relative to criminal  
3 court jurisdiction over children; to provide relative to the discretion of the district  
4 attorney to prosecute a juvenile as an adult for certain offenses; to provide relative  
5 to the failure to initiate prosecution; to provide relative to time limitations for  
6 prosecution; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 305(A)(2) and (B)(3) are hereby amended and  
9 reenacted to read as follows:

10 Art. 305. Divestiture of juvenile court jurisdiction; original criminal court  
11 jurisdiction over children

12 A.

13 \* \* \*

14 (2)(a) The district attorney shall have the discretion to file a petition alleging  
15 any of the offenses listed in Subparagraph (1) of this Paragraph in the juvenile court  
16 or, alternatively, to obtain an indictment. If the child is being held in detention, the  
17 district attorney shall file the petition or indictment in the appropriate court within  
18 ~~thirty~~ sixty calendar days after the child's arrest, unless the child waives this right.

19 (b) Failure to institute prosecution as provided in this Subparagraph shall  
20 result in release of the child if, after a contradictory hearing with the district attorney,  
21 just cause for the failure is not shown. If just cause is shown, the court shall  
22 reconsider bail for the child. Failure to institute prosecution as provided in this  
23 Subparagraph shall result in the release of the bail obligation if, after a contradictory  
24 hearing with the district attorney, just cause for the delay is not shown.

1                   (c) When the juvenile court holds a continued custody hearing pursuant to  
 2                   Articles 819 and 820 and finds probable cause that the child committed one of the  
 3                   offenses listed in Subparagraph (1) of this Paragraph, the time limitations contained  
 4                   in this Code are inapplicable and the time period for filing an indictment after arrest  
 5                   shall be governed by Code of Criminal Procedure Article 701.

6   \*           \*           \*

7                   B.

8   \*           \*           \*

9                   (3)(a) The district attorney shall have the discretion to file a petition alleging  
 10                   any of the offenses listed in Subparagraph (2) of this Paragraph in the juvenile court  
 11                   or, alternatively, to obtain an indictment or file a bill of information. If the child is  
 12                   being held in detention, the district attorney shall file the indictment, bill of  
 13                   information, or petition in the appropriate court within ~~thirty~~ sixty calendar days after  
 14                   the child's arrest, unless the child waives this right.

15                   (b) Failure to institute prosecution as provided in this Subparagraph shall  
 16                   result in release of the child if, after a contradictory hearing with the district attorney,  
 17                   just cause for the failure is not shown. If just cause is shown, the court shall  
 18                   reconsider bail for the child. Failure to institute prosecution as provided in this  
 19                   Subparagraph shall result in the release of the bail obligation if, after a contradictory  
 20                   hearing with the district attorney, just cause for the delay is not shown.

21   \*           \*           \*

22                   Section 2. The provisions of this Act shall be cited and referred to as "The Juvenile  
 23                   Transfer Act".

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_