

2026 Regular Session

HOUSE BILL NO. 140

BY REPRESENTATIVE COX

JUVENILE PROCEDURE: Provides relative to the time limitations governing juvenile delinquency proceedings

1 AN ACT

2 To amend and reenact Children's Code Articles 815.1(D), 843(A), and 877, to enact
3 Children's Code Articles 804(10) and 877.1 through 877.3, and to repeal Children's
4 Code Article 815.1(E), relative to juvenile delinquency proceedings; to provide for
5 definitions; to provide relative to juvenile detention; to provide for time limitations
6 relative to juvenile delinquency proceedings; to provide relative to the interruption,
7 suspension, and expiration of time limitations; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 815.1(D), 843(A), and 877 are hereby amended
10 and reenacted and Children's Code Articles 804(10) and 877.1 through 877.3 are hereby
11 enacted to read as follows:

12 Art. 804. Definitions

13 As used in this Title:

14 * * *

15 (10) "Custody" means actual confinement in a detention center.

16 * * *

17 Art. 815.1. Alternative to detention programs

18 * * *

19 D. ~~An alternative to detention program shall be considered a form of~~
20 ~~detention and the time periods set forth in Articles 854 and 877 shall apply unless~~

1 ~~waived by the child. No child shall remain enrolled in an alternative to detention~~
2 ~~program following a disposition hearing, except as an alternative to placement in~~
3 ~~detention or other out-of-home placement.~~

4 E. An alternative to detention program is intended to serve the same limited
5 purpose as secure detention as set forth in R.S. 15:1110. The child's participation in
6 an alternative to detention program shall not be considered an adjudication nor shall
7 it suspend delinquency proceedings. An alternative to detention program may
8 include rehabilitative components, ~~but continued participation in the program shall~~
9 ~~not be required post-adjudication, except as an alternative to detention of the child~~
10 ~~or other out-of-home placement.~~ Placement of a child in an alternative to detention
11 program does not preclude the child from being referred to treatment programs that
12 are not required as a condition of the child's release from detention.

13 * * *

14 Art. 843. Time for filing of petition; child in custody

15 A. If a child is continued in custody prior to adjudication, the delinquency
16 petition shall be filed within ~~forty-eight hours~~ five days of the hearing to determine
17 continued custody.

18 * * *

19 Art. 877. Adjudication hearing; time limitations

20 A. When the child is charged with a crime of violence as defined in R.S.
21 14:2(B) and the child is continued in custody pursuant to Chapter 5 of this Title, the
22 adjudication hearing shall commence within ~~sixty~~ one hundred twenty days of the
23 appearance to answer the petition. In all other cases, if the child is continued in
24 custody pursuant to Chapter 5 of this Title, the adjudication hearing shall commence
25 within ~~thirty~~ ninety days of the appearance to answer the petition.

26 B. If the child is not continued in custody, the adjudication hearing shall
27 commence within ~~ninety~~ one hundred eighty days of the appearance to answer the
28 petition.

1 C. If the hearing has not been commenced ~~timely~~ within the time limitations
2 provided in this Article, upon written motion of the child and with certification of
3 notice provided to the district attorney, the court shall release a child continued in
4 custody and shall dismiss the petition if just cause for the delay is not shown after
5 a contradictory hearing with the district attorney.

6 ~~D. For good cause, the court may extend such period.~~

7 Art. 877.1. Interruption of time limitations

8 A. The time limitations established in Article 877 shall be interrupted if any
9 of the following occur:

10 (1) The juvenile, at any time and with the purpose to avoid detection,
11 apprehension, or adjudication, flees from the state, is outside of the state, or is absent
12 from his usual place of abode or residence within the state.

13 (2) The juvenile cannot be tried because of a finding of insanity at the time
14 of the offense, the inability to obtain his presence for trial through legal process, or
15 for any other cause beyond the control of the state.

16 (3) The juvenile fails to appear at any proceeding pursuant to actual notice,
17 with proof of such notice appearing in the record.

18 B. The time limitations established in Article 877 shall commence to run
19 anew from the date the cause of interruption no longer exists.

20 C.(1) If the juvenile fails to appear in court pursuant to any provision of this
21 Article and the juvenile is subsequently arrested, the time limitations shall not
22 commence to run anew until the juvenile appears in person in open court where the
23 case on the original charge is pending or the district attorney adjudicating the
24 original charge has notice of the juvenile's custodial location.

25 (2) For the purposes of this Paragraph, "notice" means either of the
26 following:

27 (a) Filing in the court record by either the juvenile or the juvenile's counsel
28 advising the court of the location of the juvenile's detention or incarceration with a

1 copy provided to the district attorney and certification of notice provided to the
2 district attorney.

3 (b) Following the continued custody hearing provided in Article 819, actual
4 notice of arrest that is provided to the district attorney and filed in the record of the
5 proceeding of which the warrant against the juvenile was issued.

6 Art. 877.2. Suspension of time limitations

7 When a juvenile files a motion to quash, any preadjudication motions or
8 requests for relief, or any other preliminary plea, the running of the time limitations
9 established in Article 877 shall be suspended until the ruling of the court on the
10 motion, request, or plea. After the ruling, the state shall have not less than ninety
11 days to commence the adjudication hearing.

12 Art. 877.3. Expiration of time limitations; motion to quash; effect

13 A. Upon the expiration of the time limitations established in Article 877, the
14 court shall dismiss the petition upon a written motion to quash that is filed by the
15 juvenile with certification of notice provided to the district attorney. This right of
16 dismissal is waived unless the motion to quash is made prior to the adjudication
17 hearing.

18 B. If the petition is dismissed pursuant to this Article, there shall be no
19 further delinquency proceedings against the juvenile for the same or a lesser offense
20 based on the same facts.

21 Section 2. Children's Code Article 815.1(E) is hereby repealed in its entirety.

22 Section 3. The Louisiana State Law Institute is authorized and directed to arrange
23 in alphabetical order and renumber the definitions contained in Children's Code Article 804
24 and to correct any cross-references to the renumbered paragraphs if necessary, consistent
25 with the provisions of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 140 Original

2026 Regular Session

Cox

Abstract: Provides relative to the time limitations governing juvenile delinquency proceedings.

Present law (Ch.C. Art. 804) provides for definitions.

Proposed law retains present law and defines the term "custody".

Present law (Ch.C. Art. 815.1) provides for alternatives to detention programs.

Proposed law generally retains present law.

Present law (Ch.C. Art. 815.1(D)) provides that an alternative to detention program is considered a form of detention and the time periods set forth in present law apply unless waived by the child. Further prohibits the enrollment of a child in an alternative to detention program following a disposition hearing, except as an alternative to placement in detention or other out-of-home placement.

Proposed law deletes present law.

Present law provides for the purpose of an alternative to detention program and provides that the child's participation in an alternative to detention program shall not be considered an adjudication nor shall it suspend delinquency proceedings. Further provides that an alternative to detention program may include rehabilitative components, but continued participation in the program shall not be required post-adjudication, except as an alternative to detention of the child or other out-of-home placement.

Proposed law retains present law, but removes the provisions of present law relative to continued participation in the program after adjudication.

Present law (Ch.C. Art. 843) provides that a delinquency petition shall be filed within 48 hours of a continued custody hearing if the child is continued in custody prior to adjudication.

Proposed law changes the length of time from 48 hours to five days.

Present law (Ch.C. Art. 877) provides that when the child is charged with a crime of violence and the child is continued in custody, the adjudication hearing shall commence within 60 days of the appearance to answer the petition.

Proposed law changes the length of time from 60 days to 120 days.

Present law provides that if the child is not continued in custody, the adjudication hearing shall commence within 90 days of the appearance to answer the petition.

Proposed law changes the length of time from 90 days to 180 days.

Present law provides that if the hearing has not been commenced timely, upon motion of the child, the court shall release a child in continued custody and dismiss the petition.

Proposed law amends present law to provide that the hearing has to be commenced within the time limitations provided in present law, rather than timely. Further provides that the motion from the child has to be in writing along with a certification of notice to the district attorney and that release of the child and dismissal of the petition shall occur if just cause for delay is not shown after a contradictory hearing with the district attorney.

Present law (Ch.C. Art. 877(D)) permits the court to extend time limitations for good cause.

Proposed law deletes present law.

Proposed law requires the interruption of the time limitations established in present law (Ch.C. Art. 877) if certain circumstances occur involving the juvenile and provides for commencement of these limitations from the date that the cause of interruption no longer exists.

Proposed law defines what constitutes "notice".

Proposed law requires the suspension of the time limitations established in present law (Ch.C. Art. 877) when a juvenile files certain motions, pleas, or requests until the ruling of the court on such motions, pleas, or requests. Further provides that after the ruling, the state shall have not less than 90 days to commence the adjudication hearing.

Proposed law provides that, upon the expiration of the time limitations established in present law (Ch.C. Art. 877), the court shall dismiss a petition upon a written motion to quash that is filed by the juvenile with certification of notice provided to the district attorney. Further provides that the right of dismissal is waived unless the motion to quash is made prior to the adjudication hearing.

Proposed law provides that if a petition is dismissed under proposed law due to expiration of time limitations, there shall be no further delinquency proceedings against the juvenile for the same or a lesser offense based on the same facts.

Proposed law provides for duties of the La. State Law Institute relative to technical corrections of present law (Ch.C. Art. 804).

(Amends Ch.C. Arts. 815.1(D), 843(A), and 877; Adds Ch.C. Arts. 804(10) and 877.1-877.3; Repeals Ch.C. Art. 815.1(E))