
DIGEST

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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))