

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 813(C), 815.1(D), 843, and 877, to enact
3 Children's Code Articles 804(10) and 877.1, and to repeal Children's Code Article
4 815.1(E), relative to juvenile delinquency proceedings; to provide relative to the
5 taking of a child into custody; to provide for definitions; to provide relative to
6 juvenile detention; to provide for time limitations relative to juvenile delinquency
7 proceedings; to provide relative to the suspension and expiration of time limitations;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Children's Code Articles 813(C), 815.1(D), 843, and 877 are hereby
11 amended and reenacted and Children's Code Articles 804(10) and 877.1 are hereby enacted
12 to read as follows:

13 Art. 804. Definitions

14 As used in this Title:

15 * * *

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

17 * * *

18 Art. 813. Taking child into custody with a court order; filing of verified complaint;
19 execution

20 * * *

1 C. An order directing that a child be taken into custody may be executed by
 2 a peace officer or the child's probation officer having territorial jurisdiction over the
 3 child. The officer shall promptly notify the child's parents that their child has been
 4 taken into custody and promptly notify the district attorney in the jurisdiction where
 5 any court order for the child to be taken into custody was issued that the child has
 6 been taken into custody. Notification to the district attorney is required even if the
 7 court order is issued from a different jurisdiction than the one where the child is
 8 taken into custody. The officer shall also promptly conduct the child to the
 9 appropriate facility in accordance with Article 815.

10 * * *

11 Art. 815.1. Alternative to detention programs

12 * * *

13 ~~D. An alternative to detention program shall be considered a form of~~
 14 ~~detention and the time periods set forth in Articles 854 and 877 shall apply unless~~
 15 ~~waived by the child. No child shall remain enrolled in an alternative to detention~~
 16 ~~program following a disposition hearing, except as an alternative to placement in~~
 17 ~~detention or other out-of-home placement.~~

18 E. An alternative to detention program is intended to serve the same limited
 19 purpose as secure detention as set forth in R.S. 15:1110. The child's participation in
 20 an alternative to detention program shall not be considered an adjudication nor shall
 21 it suspend delinquency proceedings. An alternative to detention program may
 22 include rehabilitative components, ~~but continued participation in the program shall~~
 23 ~~not be required post-adjudication, except as an alternative to detention of the child~~
 24 ~~or other out-of-home placement.~~ Placement of a child in an alternative to detention
 25 program does not preclude the child from being referred to treatment programs that
 26 are not required as a condition of the child's release from detention.

27 * * *

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

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

5 B. If a child is not continued in custody prior to adjudication, the
6 delinquency petition alleging a misdemeanor-grade delinquent act shall be filed
7 within fifteen days.

8 C. If a child is not continued in custody prior to adjudication, the
9 delinquency petition alleging a felony-grade delinquent act shall be filed within
10 thirty days.

11 ~~B. D.~~ If no petition is filed within the applicable time period, the child shall
12 be released.

13 * * *

14 Art. 877. Adjudication hearing; time limitations

15 A. When the child is charged with a crime of violence as defined in R.S.
16 14:2(B) and the child is continued in custody pursuant to Chapter 5 of this Title, the
17 adjudication hearing shall commence within ~~sixty~~ ninety days of the appearance to
18 answer the petition. In all other cases, if the child is continued in custody pursuant
19 to Chapter 5 of this Title, the adjudication hearing shall commence within ~~thirty~~
20 forty-five days of the appearance to answer the petition.

21 B. If the child is not continued in custody, the adjudication hearing shall
22 commence within ~~ninety~~ one hundred twenty days of the appearance to answer the
23 petition.

24 ~~C. If the hearing has not been commenced timely, upon motion of the child,~~
25 ~~the court shall release a child continued in custody and shall dismiss the petition.~~

26 ~~D. For good cause, the court may extend such period. Upon the expiration~~
27 of the time limitations established by this Article and upon written motion to dismiss
28 that is filed by the child with certification of notice provided to the district attorney,
29 the court shall commence a contradictory hearing with the district attorney where the

1 court shall dismiss the petition if good cause for the delay is not shown. This right
2 of dismissal is waived unless the motion to dismiss is made prior to adjudication.

3 D. If the petition is dismissed pursuant to this Article, there shall be no
4 further proceedings against the child for the same or a lesser offense based on the
5 same facts.

6 Art. 877.1. Suspension of time limitations

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

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

12 (2) The child cannot be adjudicated because of a finding that the child lacks
13 the mental capacity to proceed and restoration services are ordered pursuant to
14 Article 837(B)(3) or (4), or the matter is continued in accordance with Article
15 837(D)(3).

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 (4) The child cannot be adjudicated because of the inability to obtain his
19 presence through legal process, or for any other cause beyond the control of the state.

20 B. The running of the time limitations established in Article 877 shall resume
21 as follows:

22 (1) If suspended under Subparagraphs (A)(1) or (A)(3) of this Article, when
23 the child is either taken into custody or appears in person in open court where the
24 petition on the original charge is pending, or the district attorney adjudicating the
25 original charge has notice of the child's custodial location. For purposes of this
26 Paragraph, "notice" means either of the following:

27 (a) Filing in the court record where the petition on the original charge is
28 pending by either the child or the child's counsel advising the court of the child's
29 custodial location with a copy provided to the district attorney and certification of
30 notice provided to the district attorney.

1 (b) Filing in the court record where the petition on the original charge is
 2 pending by an officer, as provided in Article 813, advising the court of the child's
 3 custodial location with a copy provided to the district attorney and certification of
 4 notice provided to the district attorney.

5 (2) If suspended under Subparagraph (A)(2) of this Article, when the court
 6 finds the child has the mental capacity to proceed with delinquency proceedings.

7 (3) If suspended under Subparagraph (A)(4) of this Article, when the cause
 8 beyond the state's control that was preventing the child from being adjudicated no
 9 longer exists.

10 C. After the time limitations established in Article 877 resume pursuant to
 11 Paragraph B of this Article, the adjudication proceedings shall commence within
 12 either the time period that remained before the Article 877 time limitation was
 13 suspended or within thirty days, whichever time period is longer.

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

15 Section 3. The Louisiana State Law Institute is authorized and directed to arrange
 16 in alphabetical order and renumber the definitions contained in Children's Code Article 804
 17 and to correct any cross-references to the renumbered paragraphs if necessary, consistent
 18 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 Reengrossed

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. 813) provides for the taking of a child into custody with a court order.

Proposed law generally retains present law.

Present law provides for the execution of the court order and notification.

Proposed law retains present law and requires an officer to promptly notify the district attorney in the jurisdiction where any court order for the child to be taken into custody was issued that the child has been taken into custody. Further requires notification to the district attorney even if the court order is issued from a different jurisdiction than the one where the child is taken into 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) requires a delinquency petition to 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.

Proposed law requires the delinquency petition alleging a misdemeanor-grade delinquent act to be filed within 15 days if a child is not continued in custody prior to adjudication.

Proposed law requires the delinquency petition alleging a felony-grade delinquent act to be filed within 30 days if a child is not continued in custody prior to adjudication.

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 90 days.

Present law provides that in cases where a child is not charged with a crime of violence and the child is continued in custody, the adjudication hearing shall commence within 30 days of the appearance to answer the petition.

Proposed law changes the length of time from 30 days to 45 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 120 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 require the court, upon the expiration of the time limitations established by present law (Ch.C. Art. 877) and upon the child's written motion to dismiss with certification of notice provided to the district attorney, to commence a contradictory hearing with the district attorney where the court is required dismiss the petition if good cause for the delay is not shown. Further provides that this right of dismissal is waived unless the motion to quash is made prior to adjudication.

Proposed law prohibits any further proceedings against the child for the same or a lesser offense based on the same facts if the petition is dismissed under present law (Ch.C. Art. 877).

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

Proposed law defines what constitutes "notice".

Proposed law requires, after the resumption of the time limitations established in present law (Ch.C. Art. 877), that adjudication proceedings commence within either the time period that remained before suspension or within 30 days, whichever time period is longer.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide timelines for the filing of delinquency petitions alleging either a misdemeanor-grade or felony-grade act if a child is not continued in custody prior to adjudication.
2. Clarify that a contradictory hearing is required before a court's dismissal of a petition due to the expiration of time limitations.
3. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Require an officer to promptly notify the appropriate district attorney when a child has been taken into custody pursuant to a court order.
2. Reduce proposed law time limitations to commence the adjudication hearing as follows:
 - (a) For a child charged with a crime of violence and continued in custody, from 120 days to 90 days.
 - (b) For a child not charged with a crime of violence and continued in custody, from 90 days to 45 days.
 - (c) For a child not continued in custody, from 180 days to 120 days.

3. Change present law relative to timely commencement of adjudication hearings and dismissal procedures to include provisions of proposed law relative to the expiration of time limitations and dismissal of proceedings against the child.
4. Change proposed law references from "juvenile" to "child".
5. Remove proposed law references to interruption of time limitations.
6. Clarify the suspension of time limitations relative to when a child cannot be adjudicated due to lack of mental capacity, the ordering of restoration services, or the continuing of the matter for review of the child's mental capacity, rather than a finding of insanity at the time of the offense.
7. Remove proposed law relative to the suspension of time limitations established in present law (Ch.C. Art. 877) when a child files certain motions, pleas, or requests until the ruling of the court on such motions, pleas, or requests.
8. Remove proposed law relative to the minimum 90-day time period to commence an adjudication hearing after suspension.
9. Clarify the circumstances that require resumption of the time limitations established in present law (Ch.C. Art. 877).
10. Provide that one of the proposed law definitions for "notice" is the filing by an officer, as provided in present law (Ch.C. Art. 813), in the court record where the petition on the original charge is pending rather than actual notice of arrest provided to the district attorney.
11. Provide for time periods to commence adjudication proceedings after the resumption of the time limitations established in present law (Ch.C. Art. 877).
12. Make technical changes.