

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 140

2026 Regular Session

Cox

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

### Synopsis of Senate Amendments

1. Makes a court's transfer of juvenile proceedings permissive rather than mandatory.
2. Authorizes law enforcement officers, prosecuting agencies, or judicial officers to obtain records relating to delinquency or status offense proceedings which are relevant to an ongoing delinquency or criminal investigation or proceeding.
3. Authorizes a custodian of records relating to delinquency or status offense proceedings to seek a protective order prohibiting or limiting the disclosure of these records upon a showing of good cause that such protection is necessary in the interests of justice.
4. Requires a recipient to protect all records produced and the information contained in those records from disclosure outside of the criminal justice system.
5. Requires a child to be photographed or fingerprinted if taken into custody for the commission of a felony-grade delinquent act.
6. Clarifies the procedure for notifying the appropriate district attorney when a child has been taken into custody.
7. Requires the delinquency petition that alleges a misdemeanor-grade or felony-grade delinquent act of a child who is not continued in custody prior to adjudication to be filed after the hearing to determine continued custody.
8. Makes technical changes.

### Digest of Bill as Finally Passed by Senate

Present law (Ch.C. Art. 315) requires the court, where a petition is filed after adjudication, to transfer the proceeding if it receives information at any time that the child is domiciled with his parent or tutor in another parish and the court of the child's domicile has proceedings currently pending before it.

Proposed law amends present law to make the court's transfer of proceedings permissive rather than mandatory.

Present law (Ch.C. Art. 412) provides for the confidentiality of juvenile records.

Proposed law retains present law.

Proposed law (Ch.C. Art. 412(Q)) provides that nothing in present law prohibits law enforcement officers, prosecuting agencies, or judicial officers from obtaining records relating to delinquency or status offense proceedings which are relevant to an ongoing delinquency or criminal investigation or proceeding.

Proposed law authorizes a custodian of records to seek a protective order prohibiting or

limiting the disclosure upon a showing of good cause that such protection is necessary in the interests of justice.

Proposed law requires a recipient to protect all records produced and the information contained in those records from disclosure outside of the criminal justice system as defined in present law (R.S. 15:572).

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, but requires the officer to advise the court of the custodial location of the child.

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.

Proposed law 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, by filing notice in the court record where the petition on the original charge is pending that advises the court of the custodial location of the child with a copy provided to the district attorney and certification of notice provided to the district attorney.

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. 818(A)) authorizes a child to be photographed or fingerprinted if taken into custody for the commission of a delinquent act.

Proposed law retains present law relative to misdemeanor-grade delinquent acts and requires a child to be photographed or fingerprinted if taken into custody for the commission of a felony-grade delinquent act.

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 after the hearing.

Proposed law requires the delinquency petition alleging a misdemeanor-grade delinquent act to be filed within 15 days after the hearing 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 after the hearing 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 when 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 to 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. 315(B)(intro. para.), 813(C), 815.1(D), 818(A), 843, and 877; Adds Ch.C. Arts. 412(Q), 804(10), and 877.1; Repeals Ch.C. Art. 815.1(E))