

2023 Regular Session
HOUSE BILL NO. 194

ACT No. 16

BY REPRESENTATIVES THOMPSON, BOYD, GAROFALO, HODGES, JEFFERSON,
AND MIKE JOHNSON

1 AN ACT

2 To amend and reenact Children's Code Article 1264, relative to grandparent visitation; to
3 provide for post-adoption visitation rights of grandparents; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Article 1264 is hereby amended and reenacted to read
7 as follows:

8 Art. 1264. Post-adoption visitation rights of grandparents

9 Notwithstanding any provision of law to the contrary, the natural parents of
10 a deceased ~~party to a marriage dissolved by death~~ parent whose child is thereafter
11 adopted, and the parents of a party who has forfeited the right to object to the
12 adoption of his child pursuant to Article 1245 may have limited visitation rights to
13 the minor child so adopted.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2023 Regular Session

ACT No. 226

HOUSE BILL NO. 184

BY REPRESENTATIVES FRIEMAN, AMEDEE, BOYD, WILFORD CARTER,
ECHOLS, EMERSON, GAROFALO, HODGES, JEFFERSON, MIKE JOHNSON,
AND KNOX

1 AN ACT

2 To amend and reenact Children's Code Article 622(A) and to enact Children's Code Article
3 650, relative to the placement of a child removed from the care of a parent; to
4 provide for the intervention of an interested party to facilitate the placement of the
5 child; to permit a party to motion the court for a contradictory hearing to determine
6 the placement of a child; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 622(A) is hereby amended and reenacted and
9 Children's Code Article 650 is hereby enacted to read as follows:

10 Art. 622. Placement pending a continued custody hearing

11 A. Prior to the continued custody hearing required in Article 624, a suitable
12 relative or other suitable individual may intervene or seek and obtain an ex parte
13 court order to take provisional custody of the child pending the continued custody
14 hearing. The provisions of Code of Civil Procedure Article 3945 are inapplicable to
15 an ex parte order rendered pursuant to this Paragraph.

16 * * *

17 Art. 650. Intervention

18 A. For good cause shown, the court may allow any family member or
19 interested person to intervene to facilitate the placement of the child and to ensure
20 that the best interests of the child are protected.

21 B. The court may limit the nature and extent of intervenor's participation in
22 the adjudication hearing.

1 C. For the purposes of this Section, "interested person" means any person
2 with whom the child enjoys a close, established, significant relationship, yet not a
3 blood relative, including a neighbor, godparent, teacher, or close friend of the parent.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2023 Regular Session

ACT No. 271

HOUSE BILL NO. 298

BY REPRESENTATIVES HUGHES, BOYD, JEFFERSON, TRAVIS JOHNSON, KNOX,
NELSON, AND FREEMAN

1 AN ACT

2 To amend and reenact Children's Code Articles 1004(A), 1004.1, 1015, 1015.1, 1016(A),
3 1037(B), and 1039(B) and Civil Code Article 137(A), to enact Children's Code
4 Articles 1004.2 and 1015.2, and to repeal Children's Code Article 1004(I), relative
5 to the termination of parental rights; to provide for the authorization to file a petition
6 for termination; to provide that the conviction and commission of a sex offense
7 leading to the conception of the child is grounds for termination of parental rights;
8 to provide for the petitioner's right to counsel; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Children's Code Articles 1004(A), 1004.1, 1015, 1015.1, 1016(A),
11 1037(B), and 1039(B) are hereby amended and reenacted and Children's Code Articles
12 1004.2 and 1015.2 are hereby enacted to read as follows:

13 Art. 1004. Petition for termination of parental rights; authorization to file

14 A. At any time, including in any hearing in a child in need of care
15 proceeding, the court on its own motion may order the filing of a petition on any
16 ground authorized by Article 1015 or 1015.1.

17 * * *

18 Art. 1004.1. Petition for termination of parental rights; child conceived as a result
19 of a sex offense

20 At any time, including prior to or during an adoption proceeding, when a
21 child is conceived as the result of the conviction or commission of a sex offense as
22 defined in R.S. 15:541, the victim of the sex offense may petition to terminate the

1 rights of the perpetrator of the sex offense. Termination shall result in the loss of all
 2 parental rights of the perpetrator regarding the child, including any rights to custody,
 3 visitation, and contact, as well as any right to intervene in such action. The
 4 termination shall not affect the inheritance rights of the child. The perpetrator shall
 5 be cast in judgment for all court costs.

6 Art. ~~1004.1~~. 1004.2. Termination of rights; children in state custody

7 The department shall file and pursue to judgment in the trial court a petition
 8 to terminate the parental rights of the parent or parents if the child has been in state
 9 custody for seventeen of the last twenty-two months, unless the department has
 10 documented in the case plan a compelling reason why filing is not in the best interest
 11 of the child.

12 * * *

13 Art. 1015. Grounds; termination of parental rights

14 The grounds for termination of parental rights are:

- 15 (1) Conviction of murder of the child's other parent.
- 16 (2) Unjustified intentional killing of the child's other parent.
- 17 ~~(3) Conviction of a sex offense as defined in R.S. 15:541 by the natural~~
 18 ~~parent which resulted in the conception of the child.~~

19 ~~(4)~~(3) Misconduct of the parent toward this child or any other child of the
 20 parent or any other child which constitutes extreme abuse, cruel and inhuman
 21 treatment, or grossly negligent behavior below a reasonable standard of human
 22 decency, including but not limited to the conviction, commission, aiding or abetting,
 23 attempting, conspiring, or soliciting to commit any of the following:

- 24 (a) Murder.
- 25 (b) Unjustified intentional killing.
- 26 (c) Aggravated crime against nature as defined by R.S. 14:89.1(A)(2).
- 27 (d) Rape.
- 28 (e) Sodomy.
- 29 (f) Torture.
- 30 (g) Starvation.

1 (h) A felony that has resulted in serious bodily injury.

2 (i) Abuse or neglect which is chronic, life-threatening, or results in gravely
3 disabling physical or psychological injury or disfigurement.

4 (j) Abuse or neglect after the child is returned to the parent's care and
5 custody while under department supervision, when the child had previously been
6 removed for his safety from the parent pursuant to a disposition judgment in a child
7 in need of care proceeding.

8 (k) The parent's parental rights to one or more of the child's siblings have
9 been terminated due to neglect or abuse, prior attempts to rehabilitate the parent have
10 been unsuccessful, and the court has determined pursuant to Article 672.1, that
11 current attempts to reunite the family are not required.

12 (l) Sexual exploitation or abuse, which shall include, but is not limited to acts
13 which are prohibited by R.S. 14:43.1, 43.2, 46.3, 80, 81, 81.1, 81.2, 82.1(A)(2), 89,
14 and 89.1.

15 (m) Human trafficking when sentenced pursuant to the provisions of R.S.
16 14:46.2(B)(2) or (3).

17 ~~(5)~~(4) Abandonment of the child by placing him in the physical custody of
18 a nonparent, or the department, or by otherwise leaving him under circumstances
19 demonstrating an intention to permanently avoid parental responsibility by any of the
20 following:

21 (a) For a period of at least four months as of the time of the hearing, despite
22 a diligent search, the whereabouts of the child's parent continue to be unknown.

23 (b) As of the time the petition is filed, the parent has failed to provide
24 significant contributions to the child's care and support for any period of six
25 consecutive months.

26 (c) As of the time the petition is filed, the parent has failed to maintain
27 significant contact with the child by visiting him or communicating with him for any
28 period of six consecutive months.

29 ~~(6)~~(5) Unless sooner permitted by the court, at least one year has elapsed
30 since a child was removed from the parent's custody pursuant to a court order; there

1 has been no substantial parental compliance with a case plan for services which has
 2 been previously filed by the department and approved by the court as necessary for
 3 the safe return of the child; and despite earlier intervention, there is no reasonable
 4 expectation of significant improvement in the parent's condition or conduct in the
 5 near future, considering the child's age and his need for a safe, stable, and permanent
 6 home.

7 ~~(7)~~(6) The child is in the custody of the department pursuant to a court order
 8 or placement by the parent; the parent has been convicted and sentenced to a period
 9 of incarceration of such duration that the parent will not be able to care for the child
 10 for an extended period of time, considering the child's age and his need for a safe,
 11 stable, and permanent home; and despite notice by the department, the parent has
 12 refused or failed to provide a reasonable plan for the appropriate care of the child
 13 other than foster care.

14 ~~(8)~~(7) The relinquishment of an infant pursuant to Chapter 13 of Title XI of
 15 this Code.

16 ~~(9) The commission of a sex offense as defined in R.S. 15:541 by the natural~~
 17 ~~parent which resulted in the conception of the child.~~

18 ~~(10)~~(8) The child is in the custody of the department pursuant to a court
 19 order for at least one year, unless sooner permitted by the court, and the identity of
 20 the child's father remains unknown and all the following have occurred:

21 (a) In the course of investigating the case and providing services to the
 22 family the department has been unable to learn the identity of the father.

23 (b) No party to the proceedings or the mother, if not a party, is able to
 24 provide a first and last name of a putative father or alias sufficient to provide a
 25 reasonable possibility of identification and location.

26 (c) The department has obtained all of the following:

27 (i) A certified copy of the child's birth certificate with no one indicated
 28 thereon as the father of the child, or the father listed has been determined not to be
 29 the biological father of the child.

1 (ii) A recent certificate from the putative father registry indicating that no
 2 person is listed or registered as the child's father.

3 (iii) A recent certificate from the clerk of court in the parish in which the
 4 child was born indicating that no acknowledgment with respect to this child has been
 5 recorded.

6 Art. 1015.1. Grounds; termination of parental rights of perpetrator of a sex offense

7 Parental rights of a natural parent may be terminated in cases where there is
 8 a conviction or commission of a sex offense as defined in R.S. 15:541 by that natural
 9 parent which resulted in the conception of the child.

10 ~~Art. 1015.1.~~ 1015.2. Termination of parental rights, certain grounds; costs and fees

11 A. A petitioner shall not be required to prepay nor be cast with court costs
 12 or costs of service or subpoena for the filing of the petition pursuant to Article
 13 ~~1015(3) or (9)~~ 1015.1. The clerk of court shall immediately file and process the
 14 petition, regardless of the ability of the petitioner to pay court costs.

15 B. All court costs, attorney fees, costs of enforcement and modification
 16 proceedings, costs of appeals, evaluation fees, and expert witness fees incurred in
 17 filing, maintaining, or defending any proceeding under Article ~~1015(3) or (9)~~ 1015.1
 18 shall be paid by the perpetrator of the sex offense, including all costs of medical and
 19 psychological care for the sexually abused adult, or for the child conceived as a
 20 result of the sex offense.

21 Art. 1016. Right to counsel

22 A.(1) The child and the identified parent shall each have the right to be
 23 represented by separate counsel in a termination proceeding brought in accordance
 24 with this Title. Neither the child nor anyone purporting to act on behalf of the child
 25 may be permitted to waive the child's right to counsel.

26 (2) For actions brought under Article 1015.1, the court shall have discretion
 27 to decide under the circumstances for each case whether to appoint counsel for the
 28 child. In no event shall the petitioner of such action or the minor child be required
 29 to interact with the respondent as a condition to pursue termination under this
 30 Article. Any counsel acting on behalf of the child shall not require a petitioner to

1 make the child available for any visitation or conversation with the respondent or the
2 respondent's family and shall not require any nonoffending petitioner to take classes
3 or provide updates on the child. A petitioner shall have the right to seek an
4 expedited suspensive appeal for any violation of this Article.

5 * * *

6 Art. 1037. Findings and contents of termination judgment; form

7 * * *

8 B.(1) When the court finds that the alleged grounds set out in any Paragraph
9 of Article 1015 or 1015.1 are proven by the evidentiary standards required by Article
10 1035 and that it is in the best interests of the child, it shall order the termination of
11 the parental rights of the parent against whom the allegations are proven. The court
12 shall enter written findings on both issues. The consideration of best interests of the
13 child shall include consideration of the child's attachment to his current caretakers.

14 (2) When the grounds for termination set forth in Article 1015.1 have been
15 established, it shall be considered in the best interests of the child for the parental
16 rights of the perpetrator to be terminated.

17 * * *

18 Art. 1039. Other dispositions

19 * * *

20 B.(1) If the court finds that the alleged grounds are not proven in accordance
21 with the evidentiary standards set forth in Article 1035 or if the court finds that
22 termination of parental rights is not in the best interests of the child, it shall enter
23 written findings on both issues and may:

24 ~~(1)~~(a) Dismiss the petition.

25 ~~(2)~~(b) Reinstate the parent to full care and custody of the child.

26 ~~(3)~~(c) If the child has been previously adjudicated as a child in need of care,
27 reinstate that proceeding pursuant to Title VI.

28 ~~(4)~~(d) Upon a showing of sufficient facts, adjudicate the child in need of care
29 in accordance with Title VI.

1 ~~(5)~~(e) Upon a showing of sufficient facts, adjudicate the family in need of
2 services in accordance with Title VII.

3 ~~(6)~~(f) Make any other disposition that is in the best interest of the child.

4 (2) In actions based on Article 1015.1, if the court finds the alleged grounds
5 are not proven, then any determination of custody, visitation, contact, and all other
6 parental rights of the alleged perpetrator shall be determined in a separate action
7 independent of the termination proceeding.

8 * * *

9 Section 2. Civil Code Article 137(A) is hereby amended and reenacted to read as
10 follows:

11 Art. 137. Denial of visitation; ~~felony rape~~ sex offense; death of a parent

12 A. In a proceeding in which visitation of a child is being sought by a parent,
13 if the child was conceived through the commission of a ~~felony rape~~ sex offense as
14 provided by R.S. 15:541, the parent who committed the ~~felony rape~~ sex offense shall
15 be denied visitation rights and contact with the child.

16 * * *

17 Section 3. Children's Code Article 1004(I) is hereby repealed in its entirety.

18 Section 4. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 73

BY SENATOR ROBERT MILLS AND REPRESENTATIVES EDMONSTON,
GAROFALO, GOUDEAU, KNOX, LAFLEUR, SEABAUGH AND
VILLIO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact the chapter heading of Chapter 15 of Title VII of the Children's Code and Children's Code Arts. 791.4 and 791.5, relative to truancy and assessment and service centers; to provide with respect to monitoring, evaluation, reporting requirements, and operation; to provide for administrative costs; to provide that operations be administered by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice; to provide for a change in the name of the program; to direct the Louisiana State Law Institute to make technical and conforming changes to reflect the name change in existing statutes and codes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The chapter heading of Chapter 15 of Title VII of the Children's Code and Children's Code Arts. 791.4 and 791.5 are hereby amended and reenact to read as follows:

CHAPTER 15. TRUANCY ~~AND~~ ASSESSMENT ~~AND~~ SERVICE CENTERS

* * *

Art. 791.4. Monitoring

A. In order to determine the effectiveness of the program, ~~Louisiana State University, office of social services research and development,~~ the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall develop and implement a monitoring and evaluation program subject to state funding.

1 B. The ~~Louisiana State University, office of social services research and~~
2 ~~development,~~ **commission** may also develop and implement a monitoring and
3 evaluation program for all parishes with truancy and assessment and service centers
4 subject to state funding.

5 Art. 791.5. Reporting; operation

6 A. ~~On July first of each year beginning July 1, 2007, the office of social~~
7 ~~services research and development, Louisiana State University,~~ **The Louisiana**
8 **Commission on Law Enforcement and Administration of Criminal Justice** shall
9 report statistical data indicating the effectiveness of this program to the ~~appropriate~~
10 ~~standing committees of the legislature~~ **Joint Legislative Committee on the Budget**
11 for use by the ~~committees~~ **committee** in consideration of continuation or expansion
12 of the program.

13 B. The provisions of this Chapter with respect to any parish which has a
14 truancy ~~and~~ assessment ~~and~~ service center shall be operational subject to
15 appropriation by the legislature **to the commission.**

16 **C. The commission may use appropriated funds to provide for the**
17 **reasonable costs of administering the provisions of this Chapter and to provide**
18 **funding for the local truancy assessment service centers.**

19 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
20 make the following changes:

21 A. Change any reference in the Children's Code and related provisions in the
22 Louisiana Revised Statutes of 1950 from "Truancy and Assessment and Service Centers" to
23 "Truancy Assessment Service Centers".

24 B. Change the reference in Children's Code Article 543(F)(10) from "Truancy
25 assistance service centers" to "Truancy assessment service centers".

26 C. Change the reference in R.S. 46:2758.2(B)(1) from "Truancy Assessment and
27 Service Centers" to "Truancy Assessment Service Centers".

28 Section 3. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2023 Regular Session
HOUSE BILL NO. 54

ACT No. 418

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".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2023 Regular Session

ACT No. 420

HOUSE BILL NO. 84

BY REPRESENTATIVE SCHLEGEL

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AN ACT

To amend and reenact Children's Code Article 897.1(C) and (D), relative to juvenile justice;
to provide for disposition of juvenile offenders adjudicated delinquent for carjacking;
to provide relative to modification of disposition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 897.1(C) and (D) are hereby amended and reenacted to read as follows:

Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

* * *

C. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:64, armed robbery, or R.S. 14:64.2, carjacking, the court shall commit the child who is fourteen years of age or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement without benefit of probation or suspension of imposition or execution of sentence.

D. Juveniles in secure care for an adjudication for a violation of R.S. 14:42 or 44 shall be eligible for modification after serving thirty-six months of the disposition. Juveniles in secure care for an adjudication for a violation of R.S. 14:64 or 64.2 shall be eligible for modification after serving thirty-six months of the

1 disposition or, if the disposition is less than thirty-six months, two-thirds of the
2 disposition.

3 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2023 Regular Session
HOUSE BILL NO. 523

ACT No. 445

BY REPRESENTATIVES LACOMBE, SCHEXNAYDER, AND STEFANSKI

1 AN ACT

2 To amend and reenact Children's Code Article 306(B)(introductory paragraph) and (2), (C),
3 and (G), R.S. 15:1110(C)(1)(introductory paragraph), (D), (E), and (H), to enact
4 Children's Code Article 815(F) and R.S. 15:1110.3, and to repeal R.S. 15:1110(F)
5 through (I), 1110.1, and 1110.2, relative to the custody of juveniles; to provide
6 relative to the pre-adjudication detention of juveniles; to provide relative to licensing
7 standards for pre-adjudication detention facilities; to provide relative to the transfer
8 of juvenile detention facility licensing; to provide for an effective date; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Children's Code Article 306(B)(introductory paragraph) and (2), (C), and
12 (G) are hereby amended and reenacted and Children's Code Article 815(F) is hereby enacted
13 to read as follows:

14 Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

15 * * *

16 B. If a detention facility for juveniles is not available, he may be held in an
17 adult jail or lockup for identification or processing procedures or while awaiting
18 transportation only as long as necessary to complete these activities for up to six
19 hours, except that in nonmetropolitan areas, he may be held for up to ~~twenty-four~~
20 forty-eight hours if all of the following occur:

21 * * *

1 (2) A continued custody hearing in accordance with Articles 820 and 821 is
2 held within ~~twenty-four~~ forty-eight hours after his arrest.

3 * * *

4 C. If an indictment has not been returned, a bill of information filed, or a
5 continued custody hearing not held within ~~twenty-four~~ forty-eight hours, the child
6 held in an adult jail or lockup in a nonmetropolitan area shall be released or removed
7 to a juvenile detention facility.

8 * * *

9 G. Notwithstanding any provision of law to the contrary, a child who is
10 subject to criminal jurisdiction pursuant to Article 305 ~~shall not be detained prior to~~
11 ~~trial in a juvenile detention facility after reaching the age of eighteen if the governing~~
12 ~~authority with funding responsibility for the juvenile detention facility objects to~~
13 ~~such detention.~~ and being held in a juvenile detention facility before trial shall be
14 transferred to the appropriate adult facility for continued pretrial detention upon
15 reaching the age of eighteen.

16 * * *

17 Art. 815. Child taken into custody; place of detention

18 * * *

19 F. If a juvenile detention center is not available, a juvenile may be held in an
20 adult jail or lockup for purposes of and only as long as necessary to complete
21 identification or processing procedures or while awaiting transportation, but not to
22 exceed six hours. However, in nonmetropolitan areas, he may be held for up to
23 forty-eight hours if all of the following occur:

24 (1) The juvenile is accused of a nonstatus offense.

25 (2) A continued custody hearing in accordance with Articles 820 and 821 is
26 held within forty-eight hours after his arrest.

27 (3) There is no acceptable alternative placement to the jail or lockup in
28 which he is being held.

29 (4) The sheriff or the administrator of the adult jail or lockup has certified
30 to the court that facilities exist that provide for sight and sound separation of the

1 juvenile from adult offenders and the juvenile can be given continuous visual
2 supervision while placed in the jail or lockup.

3 Section 2. R.S. 15:1110(C)(1)(introductory paragraph), (D), (E), and (H) are hereby
4 amended and reenacted and R.S. 15:1110.3 is hereby enacted to read as follows:

5 §1110. Purpose and reasons for detention; detention standards; licensing; fees

6 * * *

7 C.(1) ~~At~~ No juvenile detention ~~facilities~~ facility, including ~~facilities~~ any
8 facility owned or operated by any governmental, profit, nonprofit, private, or public
9 agency, shall ~~not~~ be used to detain a child who is alleged to have committed a
10 delinquent act for any of the following purposes or reasons:

11 * * *

12 D.(1) On or after July 1, 2020, a detention screening instrument, as provided
13 in Children's Code Article 815, shall be administered for any child placed in secure
14 detention when taken into custody without a court order pursuant to Children's Code
15 Article 814 for alleged commission of a delinquent act.

16 (2)(a) The Louisiana Juvenile Detention Alternatives Initiative Statewide
17 Leadership Collaborative, created by House Concurrent Resolution No. 102 of the
18 2016 Regular Session of the Legislature, hereinafter referred to as "the JDAI
19 Collaborative" shall support the statewide implementation of detention screening
20 instruments and the training process and requirements for those persons who will
21 utilize the instruments.

22 (b) The detention screening instruments shall assess the child only to
23 determine the child's risk to public safety while a current arrest is pending and the
24 risk of failure to appear in court for the pending case.

25 (c) ~~Except as authorized in Subparagraph (d) of this Paragraph, the~~ The
26 detention screening instrument shall be selected from the tools that are being utilized
27 as of January 1, 2019, by local jurisdictions in the state, which shall be provided by
28 the JDAI Collaborative. A detention screening instrument that is being utilized by
29 a jurisdiction as of January 1, 2019, is sufficient to satisfy the requirements of this
30 Subparagraph.

1 adopted pursuant to the Administrative Procedure Act that governs the ownership or
2 operation of juvenile detention facilities.

3 (2) In lieu of revocation of the facility's license, the office may issue a
4 written warning that includes a corrective action plan to any person or entity
5 violating these requirements when the violation creates a condition or occurrence
6 relating to the operation and maintenance of a juvenile detention facility that does
7 not pose an imminent threat to the health, safety, rights, or welfare of a child. Failure
8 to implement a corrective action plan issued pursuant to the provisions of this
9 Section may result in either the assessment of a civil fine or license revocation or
10 may result in both actions being taken by the office. Such civil fines shall not exceed
11 two hundred fifty dollars per day for each fine assessment; however, the aggregate
12 fines assessed for violations determined in any consecutive twelve-month period
13 shall not exceed two thousand dollars.

14 E. An appeal of any office decision for a violation of any provision of this
15 Part shall be suspensive. All appeals filed pursuant to the provisions of this Section
16 shall be heard by the division of administrative law pursuant to Chapter 13-B of Title
17 49 of the Louisiana Revised Statutes of 1950. The office shall furnish the facility or
18 agency a copy of the decision, together with notice of the procedure for requesting
19 judicial review.

20 F. The office may institute all necessary civil court actions to collect fines
21 imposed that are not timely appealed. No juvenile detention facility may claim
22 imposed fines as reimbursable. Interest shall begin to accrue at the current judicial
23 rate on the day following the date on which any fines become due and payable. All
24 costs of any successful action to collect such fines, including travel expenses and
25 reasonable attorney fees, shall be awarded to the office in addition to the fines.

26 G.(1) Civil fines collected pursuant to the provisions of this Section shall be
27 deposited immediately into the state treasury.

28 (2) After compliance with the requirements of Article VII, Section 9(B) of
29 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
30 and prior to the monies being placed in the state general fund, an amount equal to the

1 amount deposited as provided in Paragraph (1) of this Subsection shall be credited
2 to a special fund hereby created in the state treasury to be known as the "Juvenile
3 Detention Licensing Trust Fund". The monies in the fund shall be subject to annual
4 appropriation and shall be available exclusively for use by the office of juvenile
5 justice for the education and training of employees, staff, or other personnel of
6 juvenile detention facilities.

7 (3) The monies in the fund shall be invested by the treasurer in the same
8 manner as the monies in the state general fund, and all interest earned from the
9 investment of monies in the fund shall be deposited in and remain to the credit of the
10 fund. All unexpended and unencumbered monies remaining in the fund at the end
11 of the fiscal year shall remain in the fund.

12 H.(1) Any owner, operator, current or prospective employee, or volunteer of
13 a juvenile detention facility that is requesting licensure or is licensed by the office
14 of juvenile justice is prohibited from being employed by the facility if that
15 individual's name is recorded on the state central registry as a perpetrator for a
16 justified finding of abuse or neglect of a child.

17 (2) If the individual's name is or was entered on the state central registry, the
18 individual who is the subject of the finding may file a written motion seeking
19 correction to the division of administrative law for an administrative appeal of the
20 justified determination, in accordance with Children's Code Article 616.1.1 and the
21 procedures promulgated by the office.

22 I. The office of juvenile justice shall promulgate rules and regulations in
23 accordance with the Administrative Procedure Act to implement the provisions of
24 this Section. The rules shall contain at a minimum the following:

25 (1) Licensing standards for juvenile detention centers that comport with
26 nationally recognized and accepted best practice standards.

27 (2) Specific factors for determining the type of sanctions to be imposed
28 including severity of risk, actual harm, failure to implement a written corrective
29 action plan, mitigating circumstances, the history of noncompliance and an
30 explanation of the treatment of continuing noncompliance, an explanation of the

1 treatment of continuing repeat deficiencies, evidence of good faith effort to comply,
2 and any other relevant factors.

3 (3) The process to provide notice to a juvenile detention facility of any
4 violation, a reconsideration process for sanctions issued, and an appeal procedure,
5 including judicial review.

6 Section 3. R.S. 15:1110(F) through (I), 1110.1, and 1110.2 are hereby repealed in
7 their entirety.

8 Section 4.(A) The provisions of this Section and Sections 1 and 2 of this Act shall
9 become effective upon signature by the governor or, if not signed by the governor, upon
10 expiration of the time for bills to become law without signature by the governor, as provided
11 by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and
12 subsequently approved by the legislature, this Section 1 and this Section of this Act shall
13 become effective on the day following such approval.

14 (B) Section 3 of this Act shall become effective on July 1, 2024.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2023 Regular Session
HOUSE BILL NO. 160
BY REPRESENTATIVE HILFERTY

ACT No. 448

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AN ACT

To amend and reenact Children's Code Articles 412(G), 811.1(A)(5) and (10)(introductory paragraph) and (F), and 811.3, to enact Children's Code Article 879(D) and (E), and to repeal Children's Code Article 811.1(G), relative to juvenile crime victims; to provide with respect to the rights of victims; to provide relative to definitions; to amend provisions relative to the confidentiality of delinquency proceedings; to provide relative to the exclusion of witnesses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 412(G), 811.1(A)(5) and (10)(introductory paragraph) and (F), and 811.3 are hereby amended and reenacted and Children's Code Articles 879(D) and (E) are hereby enacted to read as follows:

Art. 412. Confidentiality of records; disclosure exceptions; sanctions

* * *

G.(1) In accordance with Articles 811.1 and 811.3, the district attorney or court ~~may~~ shall, upon request, release to the victim of a delinquent act constituting a crime of violence as defined in R.S. 14:2(B), or to the victim's legal representative or designated family member:

~~(†)~~ (a) The results of adjudication and disposition hearings.

1 ~~(2)~~ (b) Notice of the taking into custody, release pursuant to Chapter 6 of
2 Title VIII of this Code, release due to a rejection of charges by the district attorney,
3 escape, or re-apprehension of the child accused of the crime of violence against the
4 victim.

5 ~~(3)~~ (c) Advance notice of court proceedings relating to the delinquent act.

6 ~~(4)~~ (d) Certain information contained in the predisposition report to the court
7 pursuant to Article 890, limited to those items described in Subparagraph (2) of that
8 Article.

9 (e) The name of the judge presiding over the adjudication and disposition
10 hearings.

11 (f) The offense which forms the basis for adjudication.

12 (g) The name of the accused.

13 (2) In a juvenile delinquency case involving a crime of violence as defined
14 in R.S. 14:2(B), the court shall, upon written request, release to the public the
15 following:

16 (a) The nonidentifying results of adjudication and disposition hearings.

17 (b) The name of the judge presiding over the adjudication and disposition
18 hearings.

19 (c) The offense which forms the basis for adjudication.

20 * * *

21 Art. 811.1. Rights of the victim of alleged delinquent act

22 A. The juvenile court, district attorneys, and law enforcement agencies shall
23 provide the following services to victims of alleged delinquent acts, providing the
24 victim reported the act to law enforcement authorities within seventy-two hours of
25 its occurrence or discovery, unless extenuating circumstances exist for later
26 reporting:

27 * * *

28 (5) The court should provide, whenever possible, a secure waiting area
29 during court proceedings that does not require victims and their legal representatives
30 to be in close proximity to accused children and their families and friends. The

1 juvenile court shall provide a secure waiting area in cases involving violent crime.
 2 The victim, or the designated member of the victim's family in a case involving
 3 homicide or injury to a minor, shall have the right to be present at all court
 4 proceedings and, whenever practical, be allowed to observe the proceedings by
 5 simultaneous transmission through audiovisual equipment, if such technology is
 6 available in the courtroom.

7 * * *

8 (10) ~~If requested,~~ The district attorney shall, whenever practical, consult the
 9 ~~victim of a violent felony-grade offense and~~ or the designated member of the victim's
 10 family in the case of homicide or injury to a minor ~~shall be consulted by the~~
 11 ~~prosecutor~~ in order to obtain their view regarding:

12 * * *

13 ~~F. Any information about the status of the case in juvenile court which is~~
 14 ~~received by the victim or his legal representative shall remain subject to the~~
 15 ~~confidentiality restrictions of Article 412 and shall not be further disclosed by him.~~

16 ~~G:~~(1) In order to protect the identity and provide for the safety and welfare
 17 of juvenile crime victims under the age of ~~seventeen~~ eighteen years, all public
 18 officials and officers and public agencies, including but not limited to all law
 19 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
 20 and the Department of Children and Family Services or any division thereof, shall
 21 not publicly disclose the name, address, or identity of a juvenile victim of crime who
 22 at the time of the commission of the offense is under ~~seventeen~~ eighteen years of age.
 23 The public disclosure of the name of the juvenile crime victim by any public official
 24 or officer or public agency is not prohibited by this Subparagraph when the crime
 25 resulted in the death of the victim.

26 (2) Notwithstanding any other provision of law to the contrary, all public
 27 officials, officers, and public agencies, including but not limited to all law
 28 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
 29 and the Department of Children and Family Services or any division thereof, charged
 30 with the responsibility of knowing the name, address and identity of juvenile crime

1 victims as a necessary part of their duties shall have full and complete access to this
 2 information regarding a juvenile crime victim and they may lawfully utilize initials,
 3 abbreviations, or other forms of indefinite descriptions on all public documents used
 4 in the performance of their duties to whatever extent they deem necessary, to prevent
 5 the public disclosure of the name, address, or identity of a juvenile victim of crime
 6 under the age of ~~seventeen~~ eighteen years.

7 * * *

8 Art. 811.3. Definitions

9 In this Chapter:

10 (1) "Juvenile crime victim" means a person, under the age of ~~seventeen~~
 11 eighteen, against whom ~~an offense against the person that is a felony~~ a delinquent act
 12 has been committed.

13 (2) "Victim" means a person against whom an offense that is a ~~felony-grade~~
 14 delinquent act has been committed.

15 (3) "Victim's family" means ~~a spouse, parent, child, stepchild, sibling, the~~
 16 spouse, child, stepchild, sibling, parent, grandparent, guardian, legal custodian, or
 17 legal representative of the victim, except when the person is in custody for an offense
 18 or is the defendant.

19 * * *

20 Art. 879. Presence at adjudication hearing; exclusion of witnesses

21 * * *

22 D. This Article does not authorize exclusion of any of the following
 23 witnesses:

24 (1) A party who is a natural person.

25 (2) A single officer or single employee of a party which is not a natural
 26 person designated as its representative or case agent by its attorney.

27 (3) A person whose presence is shown by a party to be essential to the
 28 presentation of his cause such as an expert.

29 (4) The victim of the offense or the family of the victim.

1 E. A court may impose appropriate sanctions for violations of its exclusion
2 order including contempt, or when such sanctions are insufficient, disqualification
3 of the witness.

4 Section 2. Children's Code Article 811.1(G) is hereby repealed in its entirety.

5 Section 3. This Act shall become effective on January 1, 2024.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____