

2020 Regular Session

HOUSE BILL NO. 550

BY REPRESENTATIVE DUPLESSIS

CRIMINAL/PROCEDURE: Provides with respect to the procedure of arrest

1 AN ACT

2 To enact R.S. 46:2405.9 and Code of Criminal Procedure Article 223, relative to the arrest
3 of persons with minor or dependent children; to provide for the establishment of
4 guidelines and training for law enforcement officers regarding the arrest of persons
5 with minor or dependent children; to require the Council on Peace Officer Standards
6 and Training to develop the guidelines and training in conjunction with certain
7 organizations; to provide for certain requirements of law enforcement officers upon
8 arrest of a person; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:2405.9 is hereby enacted to read as follows:

11 §2405.9. Identification of minor or dependent children of an arrested person;
12 guidelines and training

13 A. The Council on Peace Officer Standards and Training shall develop
14 guidelines and provide training for law enforcement agencies on identifying and
15 ensuring the safety of minor or dependent children upon the arrest of the child's
16 parent or guardian.

17 B. The guidelines and training shall include the following:

18 (1) Procedures to ensure that law enforcement officers inquire whether an
19 arrested person has minor or dependent children who may be present or at another
20 location at the time of the arrest.

1 (2) Procedures for the proper arrangement of temporary care for children to
2 ensure their safety and well-being with a priority on placing children with supportive
3 family members and trusted adults before placing children in foster care.

4 (3) Education on how the effects of witnessing a violent crime or other event
5 causes emotional harm to children and how law enforcement can assist in mitigating
6 the long-term effects of the trauma.

7 C. The council shall work in conjunction with and receive input from
8 appropriate nongovernmental organizations and other relevant organizations that are
9 invested in the rights of children with incarcerated parents to develop and establish
10 the guidelines and training program required by this Section.

11 Section 2. Code of Criminal Procedure Article 223 is hereby enacted to read as
12 follows:

13 Art. 223. Identification of minor or dependent children upon arrest; required
14 inquiry; guidelines

15 A state or local law enforcement officer who arrests a person shall, at the
16 time of the arrest, inquire whether the person is a parent or guardian or a minor or
17 dependent child who may be at risk as a result of the arrest. The officer shall make
18 reasonable efforts to ensure the safety of minor or dependent children at risk as a
19 result of an arrest in accordance with guidelines established pursuant to R.S.
20 40:2405.9.

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 550 Original

2020 Regular Session

Duplessis

Abstract: Requires the development of guidelines and training for law enforcement agencies on identifying and ensuring the safety of minor or dependent children upon the arrest of the child's parent or guardian.

Proposed law requires the Council on Peace Officer Standards and Training to develop guidelines and provide training for law enforcement agencies on identifying and ensuring the safety of minor or dependent children upon the arrest of the child's parent or guardian.

Proposed law requires the guidelines and training to include the following:

- (1) Procedures to ensure that law enforcement officers inquire whether an arrested person has minor or dependent children who may be present or at another location at the time of the arrest.
- (2) Procedures for the proper arrangement of temporary care for children to ensure their safety and well-being with a priority on placing children with supportive family members and trusted adults before placing children in foster care.
- (3) Education on how the effects of witnessing a violent crime or other events causes emotional harm to children and how law enforcement can assist in mitigating the long-term effects of the trauma.

Proposed law requires the council to work in conjunction with and receive input from appropriate nongovernmental organizations and other relevant organizations that are invested in the rights of children with incarcerated parents to develop and establish the guidelines and training program.

Proposed law requires state and local law enforcement officers who arrests a person to, at the time of the arrest, inquire whether the person is a parent or guardian or a minor or dependent child who may be at risk as a result of the arrest. Proposed law further requires the officer to make reasonable efforts to ensure the safety of minor or dependent children at risk as a result of an arrest in accordance with guidelines established pursuant to proposed law.

(Adds R.S. 40:2405.9 and C.Cr.P. Art. 223)