

SENATE BILL NO. 9

BY SENATORS MIZELL, ABRAHAM, ALLAIN, BARROW, BASS, BOUDREAUX, CARTER, CATHEY, CLOUD, CONNICK, COUSSAN, DUPLESSIS, EDMONDS, FESI, FOIL, HARRIS, HENRY, HENSGENS, HODGES, JACKSON-ANDREWS, JENKINS, KLEINPETER, LAMBERT, LUNEAU, MCMATH, MIGUEZ, MILLER, MORRIS, OWEN, PRESSLY, PRICE, REESE, SEABAUGH, STINE, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES ADAMS, BACALA, BAGLEY, BAYHAM, BERAULT, BOYD, BOYER, BRASS, BUTLER, CARLSON, CARRIER, CARVER, CHASSION, COATES, COX, CREWS, DAVIS, DEWITT, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, FISHER, FREEMAN, FREIBERG, GLORIOSO, GREEN, HEBERT, HILFERTY, HORTON, JACKSON, MIKE JOHNSON, JORDAN, KERNER, KNOX, LACOMBE, LAFLEUR, JACOB LANDRY, MANDIE LANDRY, LYONS, MARCELLE, MELERINE, OWEN, SCHLEGEL, SELDERS, ST. BLANC, THOMPSON, VENTRELLA, WALTERS, WRIGHT, WYBLE AND ZERINGUE

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 572(B)(1) and (2), relative to
3 limitations upon institution of prosecutions; to provide relative to newly discovered
4 photographic or video evidence of certain offenses; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Art. 572(B)(1) and (2) are hereby amended
8 and reenacted to read as follows:

9 Art. 572. Limitation of prosecution of noncapital offenses

10 * * *

11 B.(1) Notwithstanding the provisions of Article 571.1 and Paragraph A of
12 this Article, prosecutions for any sex offense may be commenced beyond the time
13 limitations set forth in this Title if the identity of the offender is established after the
14 expiration of such time limitation through the use of a DNA profile or newly
15 discovered photographic or video evidence.

16 (2) A prosecution under the exception provided by this Paragraph shall be
17 commenced within three years from the date on which the identity of the suspect is
18 established by DNA testing or by the use of newly discovered photographic or
19 video evidence.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provide by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

BY REPRESENTATIVES BUTLER, ADAMS, AMEDEE, BACALA, BAGLEY, BAMBURG, BAYHAM, BERAULT, BILLINGS, BOYD, BOYER, BRASS, BRAUD, BROWN, BRYANT, CARLSON, CARRIER, ROBBY CARTER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COATES, CREWS, DEVILLIER, DEWITT, DICKERSON, EDMONSTON, EGAN, FIRMENT, FISHER, FONTENOT, FREIBERG, GADBERRY, GREEN, HEBERT, HILFERTY, HORTON, ILLG, JACKSON, MIKE JOHNSON, TRAVIS JOHNSON, KERNER, KNOX, LACOMBE, LAFLEUR, LARVADAIN, MACK, MARCELLE, MCCORMICK, MCFARLAND, MCMAHEN, MCMAKIN, MELERINE, MOORE, NEWELL, ORGERON, OWEN, RISER, SCHAMERHORN, SCHLEGEL, SELDERS, ST. BLANC, STAGNI, TAYLOR, THOMPSON, VENTRELLA, WALTERS, WILDER, WILEY, WYBLE, AND ZERINGUE AND SENATOR REESE

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 320(D) and (E)(introductory
3 paragraph) and (1) and 893(A)(1)(a), (B)(3), and (F) through (H), R.S.
4 13:5304(B)(3)(b), and R.S. 15:529.1(C)(3) and to enact Code of Criminal Procedure
5 Articles 893(B)(2)(c) and (I) and 904, relative to mandatory drug testing and
6 screening; to require drug testing and screening of persons arrested for certain
7 offenses; to provide relative to assessment for participation in drug and specialty
8 court programs for certain nonviolent offenders; to provide relative to confidentiality
9 of drug testing and screening records; to provide relative to the funding for
10 administration of drug and specialty courts; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Criminal Procedure Articles 320(D) and (E)(introductory
13 paragraph) and (1) and 893(A)(1)(a), (B)(3), and (F) through (H) are hereby amended and
14 reenacted and Code of Criminal Procedure Articles 893(B)(2)(c) and (I) and 904 are hereby
15 enacted to read as follows:

16 Art. 320. Conditions of bail undertaking

17 * * *

18 D. ~~Drug offenses and crimes of violence.~~ Pretrial drug testing and screening
19 for substance use disorders.

1 (1) Every person arrested for a violation of the Uniform Controlled
 2 Dangerous Substances Law or a crime of violence as provided in R.S. 14:2(B) shall
 3 be required to submit to a pretrial drug test for the presence of designated substances
 4 in accordance with the provisions of this Article and rules of court governing such
 5 testing. Every person arrested for any other felony may be required to submit to a
 6 pretrial drug test for the presence of designated substances in accordance with the
 7 provisions of this Article and rules of court governing such testing. Every person
 8 arrested for a misdemeanor may be required to submit to a pretrial drug test for the
 9 presence of designated substances in accordance with the provisions of this Article
 10 and rules of court governing such testing.

11 (2) Drug testing to determine the presence of any controlled dangerous
 12 substance identified in the Uniform Controlled Dangerous Substances Law shall
 13 occur within twenty-four hours of the booking of the person, and random testing
 14 thereafter may be required to verify that the person is drug free.

15 (3) All persons testing positive for the presence of one or more substances
 16 provided in Subparagraph (2) of this Paragraph shall be clinically screened utilizing
 17 a validated screening tool for the purpose of determining whether the person suffers
 18 from a substance use disorder and is suitable for a drug or specialty court program.

19 (4) All persons who receive a positive test result pursuant to the drug testing
 20 administered pursuant to Subparagraph (2) of this Paragraph and who are considered
 21 suitable for a drug or specialty court program pursuant to the screening process set
 22 forth in Subparagraph (3) of this Paragraph shall be subject to the provisions of Code
 23 of Criminal Procedure Article 904.

24 (5) All records and information provided or obtained pursuant to
 25 Subparagraphs (2) and (3) of this Paragraph shall be considered confidential and
 26 shall not be, without the consent of the person tested or screened, disclosed to any
 27 person who is not connected with the district attorney, counsel for the person tested
 28 or screened pursuant to this Paragraph, a treatment professional, or the court. Such
 29 records and information shall not be admissible in any civil or criminal action or

1 proceeding, except for the purposes of determining suitability or eligibility of the
2 person for any drug or specialty court program.

3 (6) The expenses and costs incurred relative to the mandatory drug testing
4 and the screening required by this Paragraph shall be deemed to be an approved
5 purpose for use of opioid funds. If sufficient funds do not exist for the
6 reimbursement of the expenses and costs of mandatory testing and screening, the
7 provisions of Subparagraphs (2) and (3) of this Paragraph may still be enforced at the
8 discretion of the governing authority responsible for funding those provisions.

9 E. Pretrial drug testing program. The court may implement a pretrial drug
10 testing program. All persons released under the provisions of the pretrial drug
11 testing program ~~must~~ shall submit to continued random testing and refrain from the
12 use or possession of any controlled dangerous substance or any substance designated
13 by the court. A pretrial drug testing program shall provide for the following:

14 (1) ~~Mandatory participation for all persons arrested for violations of state~~
15 ~~law. Additionally, all~~ All persons testing positive for the presence of one or more
16 of the designated substances set forth in Subparagraph (2) of this Paragraph, who are
17 not otherwise required to participate, shall submit to a pretrial drug testing program.

18 * * *

19 Art. 893. Suspension and deferral of sentence and probation in felony cases

20 A.(1)(a) When it appears that the best interest of the public and of the
21 defendant will be served, the court, after a first, second, or third conviction of a
22 noncapital felony, may suspend, in whole or in part, the imposition or execution of
23 either or both sentences, where suspension is allowed under the law, and in either or
24 both cases place the defendant on probation under the supervision of the division of
25 probation and parole. The court shall not suspend the sentence of a second or third
26 conviction of R.S. 14:73.5. Except as provided in Paragraph ~~G~~ H of this Article, the
27 period of probation shall be specified and shall not be more than three years, except
28 as provided by Paragraph ~~H~~ I of this Article.

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(2) After a third or fourth conviction of operating a vehicle while intoxicated pursuant to R.S. 14:98, the court may suspend, in whole or in part, the imposition or execution of the sentence when the defendant was not offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated and the following conditions exist:

* * *

(c) The defendant does not meet the requirements set forth in Paragraph F of this Article.

(3) When suspension is allowed under this Paragraph, the defendant shall be placed on probation under the supervision of the division of probation and parole. If the defendant has been sentenced to complete a specialty court program as provided in Subsubparagraph (2)(b) of this Paragraph, the defendant may be placed on probation under the supervision of a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Department of Public Safety and Corrections. The period of probation shall be specified and shall not be more than three years, except as provided in Paragraph ~~G~~ H of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

* * *

F.(1) Notwithstanding any other provision of law to the contrary, when it appears that the best interest of the public and of the defendant will be served, after the conviction of a defendant considered suitable for a drug or specialty court program pursuant to Code of Criminal Procedure Article 904, the court may suspend, in whole or in part, the imposition or execution of the sentence when all of the following conditions are met:

- (a) The district attorney consents to the suspension of sentence.
- (b) There is an available drug or specialty court program recognized by the Louisiana Supreme Court.

1 (c) The court orders the defendant to enter and complete any drug or
2 specialty court program recognized by the Louisiana Supreme Court.

3 (2) If the district attorney does not consent to the suspension of the sentence,
4 he shall file his objection with written reasons into the record.

5 (3) If the district attorney files an objection into the record, or if the court
6 determines that a specialty court program is not available for the defendant, the court
7 may sentence the defendant to any sentence provided for the offense by law.

8 (4) When suspension of sentence is allowed pursuant to this Paragraph, the
9 defendant may be placed on probation under the supervision of the division of
10 probation and parole, or under the supervision of a probation office, agency, or
11 officer designated by the court. The period of probation shall be specified and shall
12 not exceed three years, except as provided in Paragraph H of this Article. The
13 suspended sentence shall be regarded as a sentence for the purpose of granting or
14 denying a motion for new trial or appeal.

15 (5) Upon motion of the defendant, if the court finds at the conclusion of the
16 probationary period that the probation of the defendant has been satisfactory, the
17 court may set the conviction aside and dismiss the prosecution. The dismissal of the
18 prosecution shall have the same effect as an acquittal, except that the conviction may
19 be considered as a first offense and provide the basis for a subsequent prosecution
20 of the party as a habitual offender, except as provided in R.S. 15:529.1(C)(3). The
21 conviction also may be considered as a prior offense for purposes of any other
22 provision of law relating to cumulation of offenses. Dismissal pursuant to this
23 Paragraph shall occur only once with respect to any person.

24 G. Nothing contained herein shall be construed as being a basis for
25 destruction of records of the arrest and prosecution of any person convicted of a
26 felony.

27 G.H. If the court, with the consent of the district attorney, orders a defendant
28 to enter and complete a program provided by the drug division of the district court
29 pursuant to R.S. 13:5301, an established driving while intoxicated court or sobriety
30 court program, a mental health court program established pursuant to R.S. 13:5351

1 et seq., a Veterans Court program established pursuant to R.S. 13:5361 et seq., a
2 reentry court established pursuant to R.S. 13:5401, or the Swift and Certain
3 Probation Pilot Program established pursuant to R.S. 13:5371, the court may place
4 the defendant on probation for a period of not more than eight years if the court
5 determines that successful completion of the program may require that period of
6 probation to exceed the three-year limit. The court may not extend the duration of
7 the probation period solely due to unpaid fees and fines. The period of probation as
8 initially fixed or as extended shall not exceed eight years.

9 ~~H.I.~~(1) If a defendant is placed on supervised probation, the division of
10 probation and parole shall submit to the court a compliance report when requested
11 by the court, or when the division of probation and parole ~~deems~~ considers it
12 necessary to have the court make a determination with respect to "earned compliance
13 credits", modification of terms or conditions of probation, termination of probation,
14 revocation of probation, or other purpose proper under any provision of law.

15 (2) For purposes of this Paragraph:

16 (a) "Compliance" means the full completion of the terms and conditions of
17 probation as imposed by the sentencing judge, except for inability to pay fines, fees,
18 or restitution.

19 (b) "Compliance report" means a report generated and signed by the division
20 of probation and parole that contains clear and concise information relating to the
21 defendant's performance relative to "earned compliance credits", and may contain
22 a recommendation as to early termination.

23 (3) After a review of the compliance report, if it is the recommendation of
24 the division of probation and parole that the defendant is in compliance with the
25 conditions of probation, in accordance with the compliance report, the court shall
26 grant "earned compliance credit" for the time, absent a showing of cause for a denial.

27 (4) The court may terminate probation at any time as "satisfactorily
28 completed" upon the final determination that the defendant is in compliance with the
29 terms and conditions of probation.

1 (5) If the court determines that the defendant has failed to successfully
 2 complete the terms and conditions of probation, the court may extend the probation
 3 for a period not to exceed two years, for the purpose of allowing the defendant
 4 additional time to complete the terms of probation, additional conditions, the
 5 extension of probation, or the revocation of probation.

6 (6) Absent extenuating circumstances, the court shall, within ten days of
 7 receipt of the compliance report, make an initial determination as to the issues
 8 presented and shall transmit the decision to the probation officer. The court shall
 9 disseminate the decision to the defendant, the division of probation and parole, and
 10 the prosecuting agency within ten days of receipt. The parties shall have ten days
 11 from receipt of the initial determination of the court to seek an expedited
 12 contradictory hearing for the purpose of challenging the court's determination. If no
 13 challenge is made within ten days, the court's initial determination shall become final
 14 and shall constitute a valid order of the court.

15 * * *

16 Art. 904. Mandatory assessment; suitability of defendant for drug or specialty court
 17 program

18 A. A defendant shall be assessed for suitability for participation in a drug or
 19 specialty court program if all of the following criteria are met:

20 (1) The defendant meets the statutory eligibility requirements for
 21 participation in a drug or specialty court program.

22 (2) There is a relationship between the use of alcohol or drugs and the
 23 offense before the court.

24 (3) The defendant has tested positive on a drug test and has been screened
 25 and determined suitable pursuant to Code of Criminal Procedure Article 320(D), or
 26 the defendant has been screened and determined suitable upon request of the
 27 defendant or as ordered by the court.

28 B.(1) A defendant who meets the criteria set forth in Paragraph A of this
 29 Article shall be assessed by a licensed treatment professional designated by the court.
 30 Treatment professionals shall be credentialed or licensed by the state of Louisiana

1 and possess sufficient experience in working with clients who have alcohol or drug
2 abuse or addiction issues or mental illness.

3 (2) The designated treatment professional shall perform an assessment of the
4 defendant, utilizing validated assessment tools, to determine whether the defendant
5 is suitable for a treatment program, and shall report the results of the assessment and
6 evaluation to the court, the district attorney, the defendant, and counsel for the
7 defendant along with a recommendation as to whether or not the defendant is
8 suitable for a drug or specialty court program.

9 (3) The court shall inform the defendant that the designated treatment
10 professional may request that the defendant provide the following information to the
11 court:

12 (a) Information regarding prior criminal charges.

13 (b) Education, work experience, and training.

14 (c) Family history, including residence in the community.

15 (d) Medical and mental health history, including any psychiatric or
16 psychological treatment or counseling.

17 (e) Any other information reasonably related to the success of the treatment
18 program.

19 C.(1) All records and information provided by the defendant to the
20 designated treatment professional for the purposes of screening or assessment shall
21 be considered confidential and shall not be disclosed, without the consent of the
22 defendant, to any person who is not connected with the treatment professional,
23 treatment facility, district attorney, counsel for the defendant, or the court.

24 (2) The provisions of Subparagraph (1) of this Paragraph shall not restrict
25 the use of records and information for the purposes of research or evaluation of the
26 mandatory screening procedures or the effectiveness of any drug or specialty court
27 program, provided that the records or information shall not be published or otherwise
28 disseminated in any manner that discloses the name or identifying information of the
29 defendant.

1 893(E)(2), (3), ~~or (4)~~, or (F)(5), shall not be considered as a prior conviction for
 2 purposes of enhancing a felony that is not a crime of violence as defined by R.S.
 3 14:2(B) pursuant to the provisions of Paragraph (A)(1) of this Section and shall not
 4 be included in the computation of the five-year time period set forth in Paragraph (1)
 5 of this Subsection, or the ten-year time period as set forth in Paragraph (2) of this
 6 Subsection, for purposes of enhancing a felony that is not a crime of violence as
 7 defined by R.S. 14:2(B) pursuant to the provisions of Paragraph (A)(1) of this
 8 Section.

* * *

10 Section 4. Additional funding for the administration of drug and other specialty
 11 courts shall be subject to appropriation by the legislature.

12 Section 5. This Act shall become effective on July 1, 2024; if vetoed by the governor
 13 and subsequently approved by the legislature, this Act shall become effective on the day
 14 following such approval by the legislature or July 1, 2024, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Second Extraordinary Session

ACT No. 7

HOUSE BILL NO. 10

BY REPRESENTATIVES VILLIO, MIKE JOHNSON, AND WRIGHT AND SENATORS MORRIS AND SEABAUGH

1 AN ACT

2 To amend and reenact R.S. 15:571.5(C), to enact R.S. 15:571.3(G) and 571.3.1, and to
3 repeal R.S. 15:571.3(C) and (D) and 574.6.1 and Code of Criminal Procedure Article
4 895.6, relative to eligibility for good time credits; to provide relative to the automatic
5 earning of good time credits by offenders for good behavior; to provide for the
6 elimination of earned compliance credits while on probation or parole; to provide
7 relative to the earning of additional good time credit through participation and
8 completion of certain programs while incarcerated; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:571.5(C) is hereby amended and reenacted and R.S. 15:571.3(G)
12 and 571.3.1 are hereby enacted to read as follows:

13 §571.3. Diminution of sentence for good behavior

14 * * *

15 G. No person who commits an offense on or after August 1, 2024, shall be
16 eligible to earn nor be entitled to any diminution of sentence or good time, except as
17 provided in R.S. 15:571.3.1.

18 §571.3.1. Eligibility and applicability of diminution of sentence for crimes
19 committed on or after August 1, 2024

20 A. No person who commits an offense on or after August 1, 2024, shall be
21 eligible to earn nor be entitled to any diminution of sentence, hereinafter known as
22 "good time", except as provided in this Section.

1 B. Every offender in a parish prison or in custody of the Department of
2 Public Safety and Corrections who has been convicted of a felony and sentenced to
3 imprisonment, with or without hard labor, may earn diminution of sentence for good
4 behavior up to a maximum amount of fifteen percent of the particular sentence
5 imposed. The provisions of this Subsection shall not apply to any person who has
6 been convicted of a sex offense as defined in R.S. 15:541 or to any person who has
7 been sentenced as a habitual offender under the Habitual Offender Law as set forth
8 in R.S. 15:529.1.

9 C. Every offender in a parish prison or in custody of the Department of
10 Public Safety and Corrections who has been convicted of a felony and sentenced to
11 imprisonment, with or without hard labor, may earn an additional diminution of
12 sentence as provided in R.S. 15:828. The provisions of this Subsection shall not
13 apply to any person who has been convicted of a sex offense as defined in R.S.
14 15:541.

15 D. There shall be no diminution of sentence or good time credit earned or
16 eligible to be earned on time served pursuant to Code of Criminal Procedure Article
17 880.

18 E. Any diminution of sentence or good time earned under this Section shall
19 be subject to forfeiture as provided in R.S. 15:571.4.

20 F. Any offender released because of diminution of sentence earned pursuant
21 to this Section shall be released subject to the provisions of R.S. 15:571.5. The
22 remainder of the original full term of sentence shall be served as if on unsupervised
23 parole for any offender released pursuant to this Subsection unless his parole is
24 revoked as provided in R.S. 15:571.5(C).

25 G. The secretary of the Department of Public Safety and Corrections shall
26 have sole power and authority to determine when good time has been earned and
27 when diminution of sentence may be allowed in accordance with the provisions of
28 this Section.

29 H. The secretary of the Department of Public Safety and Corrections shall
30 promulgate rules and regulations to govern the adoption of the provisions of this

BY REPRESENTATIVES VILLIO, BACALA, BOYER, COX, FONTENOT, HORTON,
MIKE JOHNSON, AND WILEY AND SENATORS MORRIS AND SEABAUGH

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 893(A)(1)(a) and (4), (B)(3),
3 (G), and (H)(1) through (3), 899.1(A), and 900(A)(6)(b) through (d) and R.S.
4 15:574.7(B)(1)(introductory paragraph), (C), and (D) and 574.9(H), to enact Code
5 of Criminal Procedure Article 900(A)(6)(e), and to repeal Code of Criminal
6 Procedure Article 899.2 and R.S. 15:574.7(E), relative to violations and sanctions for
7 probation and parole supervision; to provide relative to probation time periods; to
8 provide relative to a technical violation of probation or parole; to provide relative to
9 administrative sanctions for violation of probation or parole; to provide relative to
10 revocation of probation or parole; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Criminal Procedure Articles 893(A)(1)(a) and (4), (B)(3), (G),
13 and (H)(1) through (3), 899.1(A), and 900(A)(6)(b) through (d) are hereby amended and
14 reenacted and Code of Criminal Procedure Article 900(A)(6)(e) is hereby enacted to read
15 as follows:

16 Art. 893. Suspension and deferral of sentence and probation in felony cases

17 A.(1)(a) When it appears that the best interest of the public and of the
18 defendant will be served, the court, after a first, second, or third conviction of a
19 noncapital felony, may suspend, in whole or in part, the imposition or execution of
20 either or both sentences, where suspension is allowed under the law, and in either or
21 both cases place the defendant on probation under the supervision of the division of

1 determines that successful completion of the program may require that period of
2 probation to exceed the ~~three-year~~ five-year limit. ~~The court may not extend the~~
3 ~~duration of the probation period solely due to unpaid fees and fines.~~ The period of
4 probation as initially fixed or as extended shall not exceed eight years.

5 H.(1) If a defendant is placed on supervised probation, the division of
6 probation and parole shall submit to the court a compliance report when requested
7 by the court, or when the division of probation and parole deems it necessary to have
8 the court make a determination with respect to "~~earned compliance credits~~",
9 modification of terms or conditions of probation, termination of probation,
10 revocation of probation, or other purpose proper under any provision of law.

11 (2) For purposes of this Paragraph:

12 (a) "Compliance" means the full completion of the terms and conditions of
13 probation as imposed by the sentencing judge, ~~except for inability to pay fines, fees,~~
14 ~~or restitution.~~

15 (b) "Compliance report" means a report generated and signed by the division
16 of probation and parole that contains clear and concise information relating to the
17 defendant's performance ~~relative to "earned compliance credits"~~; and may contain
18 a recommendation as to early termination.

19 (3) After a review of the compliance report, if it is the recommendation of
20 the division of probation and parole that the defendant is in compliance with the
21 conditions of probation, in accordance with the compliance report, the court ~~shall~~
22 ~~grant "earned compliance credit" for the time~~ may terminate probation at such time
23 as "satisfactorily completed", absent a showing of cause for a denial.

24 * * *

25 Art. 899.1. Administrative sanctions for technical violations; ~~crimes of violence and~~
26 ~~sex offenses~~

27 A. At the time of sentencing ~~for a crime of violence as defined by R.S.~~
28 ~~14:2(B) or a sex offense as defined by R.S. 15:541~~, the court may make a
29 determination as to whether a defendant is eligible for the imposition of
30 administrative sanctions as provided ~~for~~ in this Article. If authorized to do so by the

1 sentencing court, each time a defendant violates a condition of his probation, a
2 probation agency may use administrative sanctions to address a technical violation
3 committed by a defendant when all of the following occur:

4 * * *

5 Art. 900. Violation hearing; sanctions

6 A. After an arrest pursuant to Article 899, the court shall cause a defendant
7 who continues to be held in custody to be brought before it within thirty days for a
8 hearing. If a summons is issued pursuant to Article 899, or if the defendant has been
9 admitted to bail, the court shall set the matter for a violation hearing within a
10 reasonable time. The hearing may be informal or summary. The defendant may
11 choose, with the court's consent, to appear at the violation hearing and stipulate the
12 revocation by simultaneous audio-visual transmission in accordance with the
13 provisions of Article 562. If the court decides that the defendant has violated, or was
14 about to violate, a condition of his probation it may:

15 * * *

16 (6)

17 * * *

18 (b) Notwithstanding the provisions of Subparagraph (5) of this Paragraph,
19 any defendant who has been placed on probation by the court for the conviction of
20 an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex
21 offense as defined by R.S. 15:541, and who has been determined by the court to have
22 committed a technical violation of his probation, ~~shall~~ may be required to serve a
23 sentence of not more than ninety days; without diminution of sentence, ~~as follows:~~

24 ~~(i) For a first technical violation, not more than fifteen days.~~

25 ~~(ii) For a second technical violation, not more than thirty days.~~

26 ~~(iii) For a third or subsequent technical violation, not more than forty-five~~
27 ~~days.~~

28 ~~(iv) For a fourth or subsequent violation, the court may order that the~~
29 ~~probation be revoked, in accordance with Subparagraph (5) of this Paragraph.~~

1 ~~(v) For custodial substance abuse treatment programs, not more than ninety~~
 2 ~~days.~~

3 (c) The defendant shall be given credit for time served prior to the revocation
 4 hearing for time served in actual custody while being held for a technical violation
 5 in a local detention facility, state institution, or out-of-state institution pursuant to
 6 Article 880. The term of the revocation for a technical violation shall begin on the
 7 date the court orders the revocation. Upon completion of the imposed sentence for
 8 the technical revocation, the defendant shall return to active and supervised probation
 9 for a period equal to the remainder of the original period of probation subject to any
 10 additional conditions imposed by the court. The provisions of this Subparagraph
 11 shall apply only to the defendant's first revocation for a technical violation.

12 (d) A "technical violation", as used in this Paragraph, means any violation
 13 ~~except it shall not include any of the following:~~ of a condition of probation that may
 14 be addressed by an administrative sanction authorized by the court pursuant to
 15 Article 899.1.

16 (e) None of the following, unless deemed a technical violation by the court
 17 when its discretion is permitted, shall be considered a technical violation nor
 18 addressed by administrative sanctions:

19 (i) ~~An allegation of a criminal act that is subsequently proven to be a felony.~~
 20 Being arrested for, charged with, or convicted of any of the following:

21 (aa) A felony.
 22 (bb) A violation of any provision of Title 40 of the Louisiana Revised
 23 Statutes of 1950, except for misdemeanor possession of marijuana or
 24 tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S.
 25 40:966(C)(2), which shall be considered a "technical violation".

26 (cc) Any intentional misdemeanor directly affecting the person.

27 (dd) Any criminal act that is a violation of a protective order, pursuant to
 28 R.S. 14:79, issued against the offender to protect a family member or household
 29 member as defined by R.S. 14:35.3, or dating partner as defined by R.S. 46:2151.

1 officer may use administrative sanctions to address a technical violation committed
2 by a parolee when all of the following occur:

3 * * *

4 ~~C.(1)Each time a parolee who is on parole for a crime other than a crime of~~
5 ~~violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541~~
6 ~~violates a condition of parole, a parole officer is authorized to use administrative~~
7 ~~sanctions to address a technical violation committed by a parolee when all of the~~
8 ~~following occur:~~

9 ~~(a) The parolee, after receiving written notification of his right to a hearing~~
10 ~~before a court and right to counsel, provides a written waiver of a parole violation~~
11 ~~hearing:~~

12 ~~(b) The parolee admits to the violation or affirmatively chooses not to~~
13 ~~contest the violation alleged in the parole violation report:~~

14 ~~(c) The parolee consents to the imposition of administrative sanctions by the~~
15 ~~Department of Public Safety and Corrections:~~

16 ~~(2) The department shall promulgate rules to implement the provisions of~~
17 ~~this Subsection to establish the following:~~

18 ~~(a) A system of structured, administrative sanctions which shall be imposed~~
19 ~~for technical violations of parole and which shall take into consideration the~~
20 ~~following factors:~~

21 ~~(i) The severity of the violation behavior:~~

22 ~~(ii) The prior violation history:~~

23 ~~(iii) The severity of the underlying criminal conviction:~~

24 ~~(iv) The criminal history of the parolee:~~

25 ~~(v) Any special circumstances, characteristics, or resources of the parolee:~~

26 ~~(vi) Protection of the community:~~

27 ~~(vii) Deterrence:~~

28 ~~(viii) The availability of appropriate local sanctions, including but not~~
29 ~~limited to jail, treatment, community service work, house arrest, electronic~~

1 surveillance, restitution centers, work release centers, day reporting centers, or other
 2 local sanctions.

3 ~~(ix) Incarceration shall not be used for the lowest-tier violations including~~
 4 ~~the first positive drug test and the first or second violation for the following:~~

5 ~~(aa) Association with known felons or persons involved in criminal activity.~~

6 ~~(bb) Changing residence without permission.~~

7 ~~(cc) Failure to initially report as required.~~

8 ~~(dd) Failure to pay restitution for up to three months.~~

9 ~~(ee) Failure to report as instructed.~~

10 ~~(ff) Traveling without permission.~~

11 ~~(gg) Occasion of unemployment and failure to seek employment within~~
 12 ~~ninety days.~~

13 ~~(x) Incarceration shall not be used for first or second violations of alcohol~~
 14 ~~use or admission, except for defendants convicted of operating a vehicle while~~
 15 ~~intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery~~
 16 ~~pursuant to R.S. 14:35.3 committed by one family member or household member~~
 17 ~~against another; defendants convicted of battery by one dating partner as defined by~~
 18 ~~R.S. 46:2151 against another; or defendants convicted of a violation of a protective~~
 19 ~~order, pursuant to R.S. 14:79, issued against the defendant to protect a family~~
 20 ~~member or household member as defined by R.S. 14:35.3, or a dating partner as~~
 21 ~~defined by R.S. 46:2151.~~

22 ~~(b) Procedures to provide a parolee with written notice of the right to a~~
 23 ~~parole violation hearing to determine whether the parolee violated the conditions of~~
 24 ~~parole alleged in the violation report and the right to be represented by counsel at~~
 25 ~~state expense at that hearing if financially eligible.~~

26 ~~(c) Procedures for a parolee to provide written waiver of the right to a parole~~
 27 ~~violation hearing, to admit to the violation or affirmatively choose not to contest the~~
 28 ~~violation alleged in the parole violation report, and to consent to the imposition of~~
 29 ~~administrative sanctions by the department.~~

1 ~~(d) The level and type of sanctions that may be imposed by parole officers~~
 2 ~~and other supervisory personnel.~~

3 ~~(e) The level and type of violation behavior that warrants a recommendation~~
 4 ~~to the board that parole be revoked.~~

5 ~~(f) Procedures notifying the parolee and the committee on parole of a~~
 6 ~~violation admitted by the parolee and the administrative sanctions imposed.~~

7 ~~(g) Such other policies and procedures as are necessary to implement the~~
 8 ~~provisions of this Subsection and to provide adequate parole supervision.~~

9 ~~(3) If the administrative sanction imposed pursuant to the provisions of this~~
 10 ~~Subsection is jail confinement, the confinement shall not exceed ten days per~~
 11 ~~violation and shall not exceed a total of sixty days per year.~~

12 ~~(4) For purposes of this Subsection, "technical violation" means any~~
 13 ~~violation of a condition of parole, that does not include any of the following:~~

14 ~~(a) An allegation of a criminal act that is subsequently proven to be a felony.~~

15 ~~(b) An allegation of a criminal act that is subsequently proven to be an~~
 16 ~~intentional misdemeanor directly affecting the person.~~

17 ~~(c) An allegation of a criminal act that if proven would be a crime of~~
 18 ~~violence as defined in R.S. 14:2(B).~~

19 ~~(d) An allegation of a criminal act that if proven would be a sex offense as~~
 20 ~~defined in R.S. 15:541.~~

21 ~~(e) An allegation of domestic abuse battery pursuant to R.S. 14:35.3~~
 22 ~~committed by one family member or household member against another, or an~~
 23 ~~allegation of battery committed by one dating partner as defined by R.S. 46:2151~~
 24 ~~against another.~~

25 ~~(f) An allegation of violation of a protective order, pursuant to R.S. 14:79,~~
 26 ~~issued against the offender to protect a family member or household member as~~
 27 ~~defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.~~

28 ~~(g) Being in possession of a firearm or other prohibited weapon.~~

29 ~~(h) Absconding from the jurisdiction of the court by leaving the state without~~
 30 ~~the prior approval of the committee on parole or the probation and parole officer.~~

1 ~~D~~.(1) If the chief probation and parole officer, upon recommendation by a
 2 parole officer, has reasonable cause to believe that a parolee has violated the
 3 conditions of parole, he shall notify the committee, and shall cause the appropriate
 4 parole officer to submit the parolee's record to the committee. After consideration
 5 of the record submitted, and after such further investigation as it may deem
 6 necessary, the committee may order:

- 7 (a) The issuance of a reprimand and warning to the parolee.
- 8 (b) That the parolee be required to conform to one or more additional
 9 conditions of parole which may be imposed in accordance with R.S. 15:574.4.
- 10 (c) That the parolee be arrested, and upon arrest be given a prerevocation
 11 hearing within a reasonable time, at or reasonably near the place of the alleged parole
 12 violation or arrest, to determine whether there is probable cause to detain the parolee
 13 pending orders of the parole committee.

14 (2) Upon receiving a summary of the prerevocation proceeding, the
 15 committee may order the following:

- 16 (a) The parolee's return to the physical custody of the Department of Public
 17 Safety and Corrections, corrections services, to await a hearing to determine whether
 18 his parole should be revoked.
- 19 (b) As an alternative to revocation, that the parolee, as a condition of parole,
 20 be committed to a community rehabilitation center or a substance abuse treatment
 21 program operated by, or under contract with, the department, for a period of time not
 22 to exceed six months, without benefit of good time, provided that such commitment
 23 does not extend the period of parole beyond the full parole term. Upon written
 24 request of the department that the offender be removed for violations of the rules or
 25 regulations of the community rehabilitation center or substance abuse program, the
 26 committee shall order that the parole be revoked, with credit for time served in the
 27 community rehabilitation center.

28 ~~E~~: D.(1) Upon recommendation of the supervising parole officer and
 29 approval of the committee on parole, the level of supervision and the fees associated
 30 with the supervision of a parolee may be reduced after the parolee has served a

1 minimum of three years without a violation of the terms and conditions of parole for
2 a crime that is not a crime of violence as defined by R.S. 14:2(B) or a sex offense as
3 defined by R.S. 15:541 and a minimum of seven years without a violation of the
4 terms and conditions of parole for a crime that is a crime of violence as defined by
5 R.S. 14:2(B).

6 (2) A parolee who satisfies the conditions of Paragraph (1) of this Subsection
7 may be placed on inactive status upon approval of the committee. A parolee on
8 inactive status shall not be subject to the terms and conditions of parole under R.S.
9 15:574.4.2(A)(2).

10 (3) The committee shall maintain the authority to revoke parole as provided
11 in this Section and R.S. 15:574.9.

12 (4) Nothing in this Subsection shall eliminate the committee's authority to
13 reduce terms and conditions of parole prior to a parolee satisfying the requirements
14 of Paragraph (1) of this Subsection.

15 * * *

16 §574.9. Revocation of parole for violation of condition; committee panels; return
17 to custody hearing; duration of reimprisonment and reparole after revocation;
18 credit for time served; revocation for a technical violation

19 * * *

20 H.(1)(a) ~~Any offender who has been released on parole and who has been~~
21 ~~determined by the committee on parole to have committed a technical violation of~~
22 ~~the conditions of parole, shall be required to serve the following sentences:~~

23 ~~(i) For the first technical violation, not more than fifteen days.~~

24 ~~(ii) For a second technical violation, not more than thirty days.~~

25 ~~(iii) For a third technical violation, not more than forty-five days.~~

26 ~~(iv) For a fourth or subsequent technical violation, not more than ninety~~
27 ~~days.~~

28 ~~(v) For custodial substance abuse treatment programs, not more than ninety~~
29 ~~days.~~

1 (b) ~~The sentences imposed pursuant to Subparagraph (a) of this Paragraph~~
 2 ~~shall be served without diminution of sentence. The term of the revocation for the~~
 3 ~~technical violation shall begin on the date the committee on parole orders the~~
 4 ~~revocation. Upon completion of the imposed technical revocation sentence, the~~
 5 ~~offender shall return to active parole supervision for the remainder of the original~~
 6 ~~term of supervision.~~

7 (c) ~~The offender shall be given credit toward service of his sentence for time~~
 8 ~~spent in actual custody prior to the revocation hearing while being held for a~~
 9 ~~technical violation in a local detention facility, state institution, or out-of-state~~
 10 ~~institution.~~

11 (d) ~~The provisions of Subparagraph (a) of this Paragraph shall not apply to~~
 12 ~~the following offenders:~~

13 (i) ~~Any offender released on parole for the conviction of a crime of violence~~
 14 ~~as defined in R.S. 14:2(B).~~

15 (ii) ~~Any offender released on parole for the conviction of a sex offense as~~
 16 ~~defined in R.S. 15:541.~~

17 (iii) ~~Any offender released on parole who is subject to the sex offender~~
 18 ~~registration and notification requirements of R.S. 15:541 et seq.~~

19 (2) ~~A "technical violation", as used in this Subsection, means any violation~~
 20 ~~except it shall not include any of the following:~~

21 (a) ~~An allegation of a criminal act that is subsequently proven to be a felony.~~

22 (b) ~~An allegation of a criminal act that is subsequently proven to be an~~
 23 ~~intentional misdemeanor directly affecting the person.~~

24 (c) ~~An allegation of a criminal act that is subsequently proven to be a~~
 25 ~~violation of a protective order, pursuant to R.S. 14:79, issued against the offender to~~
 26 ~~protect a household member or family member as defined by R.S. 14:35.3, or dating~~
 27 ~~partner as defined by R.S. 46:2151.~~

28 (d) ~~Being in possession of a firearm or other prohibited weapon.~~

29 (e) ~~Absconding from the jurisdiction of the committee on parole by leaving~~
 30 ~~the state without the prior approval of the probation and parole officer.~~

1 (i) Except as provided in Subparagraph (b) of this Paragraph, any offender
2 who has been released on parole and whose parole supervision is being revoked
3 pursuant to the provisions of this Section for a technical violation of the conditions
4 of parole as determined by the committee on parole, shall be required to serve the
5 following sentences:

6 (aa) For the first technical violation, the offender shall serve not more than
7 ninety days.

8 (bb) For a second technical violation, the offender shall serve not more than
9 one hundred twenty days.

10 (cc) For a third or subsequent technical violation, the offender shall serve not
11 more than one hundred eighty days.

12 (ii) Any sentence imposed pursuant to Item (i) of this Subparagraph shall be
13 served without diminution of sentence or credit for time served prior to the
14 revocation for a technical violation. The term of the revocation for the technical
15 violation shall begin on the date the committee on parole orders the revocation. Upon
16 completion of the imposed technical revocation sentence, the offender shall return
17 to active parole supervision for the remainder of the original term of supervision.

18 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to
19 the following offenders:

20 (i) Any offender released on parole for the conviction of a crime of violence
21 as defined in R.S. 14:2(B).

22 (ii) Any offender released on parole for the conviction of a sex offense as
23 defined in R.S. 15:541.

24 (iii) Any offender released on parole who is subject to the sex offender
25 registration and notification requirements of R.S. 15:541 et seq.

26 (2) A "technical violation", as used in this Subsection, means any violation
27 of a condition of parole that may be addressed by an administrative sanction
28 authorized by the committee on parole pursuant to R.S. 15:574.7.

1 (3) None of the following, unless deemed a technical violation by the
2 committee on parole when its discretion is permitted, shall be considered a technical
3 violation nor addressed by administrative sanctions:

4 (a) Being arrested for, charged with, or convicted of any of the following:

5 (i) A felony.

6 (ii) Any intentional misdemeanor directly affecting the person.

7 (iii) Any criminal act that is a violation of a protective order, pursuant to R.S.
8 14:79, issued against the offender to protect a family member or household member
9 as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.

10 (iv) At the discretion of the committee on parole, any attempt to commit any
11 intentional misdemeanor directly affecting the person.

12 (v) At the discretion of the committee on parole, any attempt to commit any
13 other misdemeanor.

14 (b) Being in possession of a firearm or other prohibited weapon.

15 (c) At the discretion of the committee on parole, failing to appear at any
16 court hearing.

17 (d) Absconding from the jurisdiction of the committee on parole.

18 Section 3. Code of Criminal Procedure Article 899.2 and R.S.15:574.7(E) are hereby
19 repealed in their entirety.

20 Section 4. The provisions of this Act shall only apply to offenses committed on or
21 after August 1, 2024.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Second Extraordinary Session

ACT No. 10

HOUSE BILL NO. 4

BY REPRESENTATIVES EMERSON AND MIKE JOHNSON AND SENATOR SEABAUGH

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 930.4(F) and (G) and 930.8(A)(1) and (D) and to enact Code of Criminal Procedure Article 930.8(E), relative to procedures utilized in post conviction proceedings; to provide relative to the timeliness of post conviction applications; to provide relative to the procedural requirements of post conviction applications; to provide relative to the exceptions to the time limitations of post conviction applications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 930.4(F) and (G) and 930.8(A)(1) and (D) are hereby amended and reenacted and Code of Criminal Procedure Article 930.8(E) is hereby enacted to read as follows:

Art. 930.4. Repetitive applications

* * *

~~F. If the court considers dismissing an application for failure of the petitioner to raise the claim in the proceedings leading to conviction, failure to urge the claim on appeal, or failure to include the claim in a prior application, the court shall order the petitioner to state reasons for his failure. If the court finds that the failure was excusable, it shall consider the merits of the claim.~~ Any attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions set forth in this Article. In addition to serving the district attorney for the jurisdiction where the underlying conviction was obtained, any

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~~D. Notwithstanding any provision of this Title to the contrary, the state may affirmatively waive any objection to the timeliness under Paragraph A of this Article of the application for post conviction relief filed by the petitioner. Such waiver shall be express and in writing and filed by the state into the district court record. Any attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions as set forth in this Article.~~

E. All of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.

Section 2. This Act shall become effective on August 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or August 1, 2024, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Second Extraordinary Session

ACT No. 12

HOUSE BILL NO. 23

BY REPRESENTATIVE MELERINE AND SENATOR SEABAUGH

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AN ACT

To amend and reenact R.S. 49:257(C) and Code of Civil Procedure Article 1880 and to enact Code of Civil Procedure Articles 855.1 and 1845 and Code of Criminal Procedure Article 62(D), relative to procedures challenging the constitutionality of state law; to provide for procedures for actions alleging unconstitutionality of laws; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1880 is hereby amended and reenacted, and Code of Civil Procedure Articles 855.1 and 1845 are hereby enacted to read as follows:

Art. 855.1. Pleadings for unconstitutionality of state law

All civil actions alleging that a law is unconstitutional shall be in writing and be brought in an ordinary proceeding. The pleading shall be served upon the attorney general of the state in accordance with Article 1314. Upon proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state.

* * *

Art. 1845. Effects of judgments on state law

A judgment rendering a law unconstitutional is absolutely null and shall be void and unenforceable if the provisions of Article 855.1 have not been met.

* * *

1 Art. 1880. Parties

2 When declaratory relief is sought, all persons shall be made parties who have
3 or claim any interest which would be affected by the declaration, and no declaration
4 shall prejudice the rights of persons not parties to the proceeding. In a proceeding
5 which involves the validity of a municipal ordinance or franchise, such municipality
6 shall be made a party, and shall be entitled to be heard. If the ~~statute~~ law, ordinance,
7 or franchise is alleged to be unconstitutional, the attorney general of the state shall
8 also be served with a copy of the proceeding and be entitled to be heard. If the law
9 is alleged to be unconstitutional, pleadings shall be made pursuant to the
10 requirements in Articles 855.1 and 1845.

11 Section 2. Code of Criminal Procedure Article 62(D) is hereby enacted to read as
12 follows:

13 Art. 62. Authority of attorney general; supervision of district attorney

14 * * *

15 D. Any pleading containing an allegation of unconstitutionality of a criminal
16 law shall be in writing and served upon the attorney general of the state. Upon
17 proper service, the attorney general shall have thirty days to respond to the
18 allegations or represent or supervise the interests of the state. The attorney general
19 shall have a right to directly appeal adverse rulings to the supreme court of Louisiana
20 for supervisory review whether or not the attorney general participated in the
21 underlying proceeding.

22 Section 3. R.S. 49:257(C) is hereby amended and reenacted to read as follows:

23 §257. Legal representation of certain state agencies

24 * * *

25 C. Notwithstanding any other law to the contrary, the attorney general, at his
26 discretion, shall represent or supervise the representation of the interests of the state
27 in any action or proceeding in which the constitutionality of a state ~~statute~~ law or of
28 a resolution of the legislature is challenged or assailed. In all other proceedings in
29 which the constitutionality of a law is assailed, the attorney general shall be served
30 notice or a copy of the pleading. The attorney general, at his discretion, shall be

SENATE BILL NO. 103

BY SENATOR DUPLESSIS (On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 192.2, Code of Criminal Procedure Art.
3 25.1 and 433(A) and (C), and Code of Evidence Art. 604, and to enact Code of
4 Evidence Art. 604.1, relative to the appointment of interpreters in court proceedings;
5 to provide for the appointment of interpreters in civil proceedings; to provide for the
6 appointment of interpreters in criminal proceedings; to provide for persons permitted
7 to be present at grand jury sessions; to provide for the qualifications of
8 court-appointed interpreters; to provide for recordation and retention of interpreted
9 communications; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Civil Procedure Art. 192.2 is hereby amended and reenacted to
12 read as follows:

13 Art. 192.2. Appointment of interpreter for non-English-speaking persons

14 A. If a non-English-speaking person who is a ~~principal party in interest~~ or a
15 witness in a proceeding before the court has requested **that the court appoint** an
16 interpreter **for the proceeding**, a judge shall appoint, ~~after consultation with the~~
17 ~~non-English-speaking person or his attorney, a competent interpreter to interpret or~~
18 ~~to translate the proceedings to him and to interpret or translate his testimony~~ **an**
19 **interpreter in accordance with the Code of Evidence and the Rules of the**
20 **Louisiana Supreme Court.**

21 B. Notwithstanding any other provision of law to the contrary, the court shall
22 order payment to the **court-appointed** interpreter for his services at a fixed
23 reasonable amount, and that amount shall be paid out of the appropriate court fund.

24 C. In a proceeding alleging abuse ~~under~~ **in accordance with** R.S. 46:2134 et
25 seq., an interpreter, if necessary, shall be appointed prior to a rule to show cause
26 hearing.

27 Section 2. Code of Criminal Procedure Arts. 25.1 and 433(A) and (C) are hereby

1 amended and reenacted to read as follows:

2 Art. 25.1. Appointment of interpreter for ~~non-English-speaking persons~~

3 A. ~~If a non-English-speaking person who is a principal party in interest or a~~
4 ~~witness in a proceeding before the court has requested an interpreter, a judge shall~~
5 ~~appoint, after consultation with the non-English-speaking person or his attorney, a~~
6 ~~competent interpreter to interpret or to translate the proceedings to him and to~~
7 ~~interpret or translate his testimony.~~ **The court shall appoint an interpreter in**
8 **accordance with the Code of Evidence and the Rules of the Louisiana Supreme**
9 **Court for any person who is a party or witness upon a determination that the**
10 **person is a limited English proficient or deaf individual.**

11 B. ~~The court shall order reimbursement to the interpreter for his services at~~
12 ~~a fixed reasonable amount.~~ **The cost of providing a qualified court interpreter**
13 **shall be paid out of the appropriate court fund.**

14 Comments – 2024

15 Rules regulating the use of interpreters in court proceedings and court
16 operations are set forth in Part G, Section 14 of the Rules of the Louisiana Supreme
17 Court and in Code of Evidence Articles 604 and 604.1.

18 * * *

19 Art. 433. Persons present during grand jury sessions

20 A.(1) Only the following persons may be present at the sessions of the grand
21 jury:

22 (a) The district attorney and assistant district attorneys or any one or more of
23 them;

24 (b) The attorney general and assistant attorneys general or any one or more
25 of them;

26 (c) The witness under examination;

27 (d) A person sworn to record the proceedings of and the testimony given
28 before the grand jury; ~~and.~~

29 (e) An interpreter sworn to translate the testimony of a witness who is ~~unable~~
30 ~~to speak the~~ **a limited English language proficient or deaf individual.**

31 (2) An attorney for a target of the grand jury's investigation may be present

1 during the testimony of ~~said~~ **the** target. The attorney shall be prohibited from
 2 objecting, addressing, or arguing before the grand jury; however, **the attorney he**
 3 may consult with his client at ~~anytime~~ **any time**. The court shall remove ~~such~~ **the**
 4 attorney for a violation of these conditions. If a witness becomes a target because of
 5 his testimony, the legal advisor to the grand jury shall inform ~~him~~ **the witness** of his
 6 right to counsel and cease questioning until ~~such~~ **the** witness has obtained counsel
 7 or voluntarily and intelligently waived his right to counsel. Any evidence or
 8 testimony obtained under the provisions of this Subparagraph from a witness who
 9 later becomes a target shall not be admissible in a proceeding against him.

10 * * *

11 C. A person who is intentionally present at a meeting of the grand jury,
 12 except as authorized by Paragraph A of this ~~article~~ **Article**, shall be in constructive
 13 contempt of court.

14 Section 3. Code of Evidence Art. 604 is hereby amended and reenacted and Code of
 15 Evidence Art. 604.1 is hereby enacted to read as follows:

16 Art. 604. Interpreters

17 An interpreter is subject to the provisions of this Code **and the Rules of the**
 18 **Louisiana Supreme Court** relating to qualification as ~~an expert~~ **a court-appointed**
 19 **interpreter** and the administration of an oath or affirmation that ~~he~~ **the interpreter**
 20 will make a true translation **or interpretation**.

21 Comments – 2024

22 The amendments to this Article make clear that the regulation and use of interpreters
 23 in court proceedings are set forth in the Rules of the Louisiana Supreme Court. The
 24 amendments also clarify that this Article applies to interpreters who are appointed by the
 25 court as officers of the court, as distinguished from interpreters who are retained by a party
 26 for the party's own purposes. In accordance with the Rules of the Louisiana Supreme Court,
 27 the amendment also observes the distinction between interpretation and translation. An
 28 interpretation involves hearing information spoken in one language and orally relaying the
 29 information to another in a manner that preserves the language's meaning. A translation
 30 consists of taking information that has been written in one language and conveying it in
 31 writing in another language while preserving the language's meaning.

32 **Art. 604.1. Qualifications of interpreters; interpretations**

33 **A. If a party objects to the qualifications of any court-appointed**
 34 **interpreter, the party or the party's attorney shall have the right to conduct a**

ACT No. 40

2024 Regular Session

HOUSE BILL NO. 74

BY REPRESENTATIVE BACALA

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AN ACT

To amend and reenact Code of Criminal Procedure Article 404(J), relative to jury commissions; to provide for the functions of the jury commission in the parishes of Ascension, Assumption, and St. James; to transfer the functions of the jury commission to the clerks of court of Ascension Parish, Assumption Parish, and St. James Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 404(J) is hereby amended and reenacted to read as follows:

Art. 404. Appointment of jury commissions; term of office; oath; quorum; performance of functions of jury commissions in certain parishes

* * *

J. In the ~~parish~~ parishes of Ascension, Assumption, Jackson, and St. James, the function of the jury commission shall be performed by the ~~clerk~~ clerks of court of Ascension Parish, Assumption Parish, Jackson Parish, and St. James Parish or by a deputy clerk of court designated by the respective clerk in writing to act in his stead in all matters affecting the jury commission. The clerk of court or his designated deputy shall have the same powers, duties, and responsibilities, and shall be governed by all applicable provisions of law pertaining to jury commissioners. The

1 ~~clerk~~ clerks of court of Ascension Parish, Assumption Parish, Jackson Parish, and
2 St. James Parish shall perform the duties and responsibilities otherwise imposed
3 upon him by law with respect to jury venires, shall coordinate the jury venire
4 process, and shall receive the compensation generally authorized for a jury
5 commissioner.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

2024 Regular Session
HOUSE BILL NO. 206
BY REPRESENTATIVE VILLIO

ACT No. 43

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 657 and to enact Code of
3 Criminal Procedure Article 657.3, relative to the continued commitment of certain
4 committed persons; to provide for an exception; to provide for continued custody of
5 certain committed persons based on criteria; to provide for the duration of active
6 supervised release; to provide for a definition; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 657 is hereby amended and reenacted
9 and Code of Criminal Procedure Article 657.3 is hereby enacted to read as follows:

10 Art. 657. Discharge or release; hearing

11 After considering the report or reports filed pursuant to Articles 655 and 656,
12 the court may either continue the commitment or hold a contradictory hearing to
13 determine whether the committed person no longer has a mental illness as defined
14 by ~~R.S. 28:2~~ Article 657.3 and can be discharged, or can be released on probation,
15 without danger to others or to himself as defined by R.S. 28:2. At the hearing the
16 burden shall be upon the state to seek continuance of the confinement by proving by
17 clear and convincing evidence that the committed person currently has a mental
18 illness and is dangerous, except as provided in Code of Criminal Procedure Article
19 657.3. After the hearing, and upon filing written findings of fact and conclusions of
20 law, the court may order the committed person discharged, released on probation
21 subject to specified conditions for a fixed or an indeterminate period, or recommitted
22 to the state mental institution. A copy of the judgment and order containing the

1 written findings of fact and conclusions of law shall be forwarded to the
 2 administrator of the forensic facility. Notice to the counsel for the committed person
 3 and the district attorney of the contradictory hearing shall be given at least thirty
 4 days prior to the hearing.

5 * * *

6 Art. 657.3. Active supervised release for dangerous but not mentally ill committed
 7 persons

8 A. Notwithstanding any other provision of law to the contrary, the state may
 9 seek active supervised release by the Department of Public Safety and Corrections,
 10 office of probation and parole, of a committed person based upon the committed
 11 person's continued dangerousness even if the committed person does not have a
 12 mental illness as defined by this Article, if both of the following conditions are
 13 satisfied:

14 (1) The committed person was found not guilty by reason of insanity for any
 15 of the following offenses or attempts to commit any of them:

16 (a) Any crime punishable by death or by life imprisonment.

17 (b) Any crime that is either a crime of violence as defined by R.S. 14:2(B)
 18 or a sex offense as defined by R.S. 15:541.

19 (2) The state proves by clear and convincing evidence that the committed
 20 person is dangerous to others or dangerous to himself as defined by R.S. 28:2. In
 21 satisfying its burden of proof, the state may not rely solely upon the nature of the
 22 crime for which the committed person was found not guilty by reason of insanity and
 23 may not rely solely upon the diagnosis of any personality disorder.

24 B. Upon satisfaction of the criteria for active supervised release provided in
 25 Paragraph A of this Article and consideration of any report filed pursuant to Articles
 26 655 and 656, the court shall order the committed person to be placed on active
 27 supervised release with any special conditions recommended to the court as well as
 28 any conditions of probation provided in Article 895 et seq. for a period not to exceed
 29 three years. Such period may be extended in three-year increments upon motion of
 30 the district attorney and proof that the committed person still satisfies the criteria for

1 active supervised release under this Article. Under no circumstances shall a
 2 committed person who is on active supervised release pursuant to this Article be
 3 subject to a probation period that is longer than the maximum term he would have
 4 received if he had been convicted of the offense.

5 C. When the committed person is placed on active supervised release, the
 6 clerk of court shall deliver a certificate to him setting forth the conditions of his
 7 release. The committed person shall be required to agree in writing to the conditions
 8 of his release.

9 D. When the committed person has violated or is suspected of violating the
 10 conditions of his release, he may be arrested and detained pursuant to Article 899.

11 E. Nothing in this Article shall be construed as abrogating or negating any
 12 other provision of this Chapter or any other provision of law relative to the continued
 13 commitment, discharge, or conditional release of a person committed pursuant to
 14 Article 654.

15 F. For the purposes of this Title, "mental illness" means a psychiatric
 16 disorder which has substantial adverse effects on a person's ability to function and
 17 requires care and treatment. It does not refer to a person with, solely, an intellectual
 18 disability, or who suffers solely from epilepsy or a substance-related or addictive
 19 disorder.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session

ACT No. 108

HOUSE BILL NO. 26

BY REPRESENTATIVE BAMBURG

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 404(H), relative to jury
3 commissions; to provide for the functions of the jury commission in the parish of
4 Red River; to transfer the functions of the jury commission to the clerk of court of
5 Red River Parish; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 404(H) is hereby amended and
8 reenacted to read as follows:

9 Art. 404. Appointment of jury commissions; term of office; oath; quorum;
10 performance of functions of jury commissions in certain parishes

11 * * *

12 H. In the parishes of Caldwell, Claiborne, DeSoto, Franklin, Red River,
13 Union, and Webster, the function of the jury commission shall be performed by the
14 clerks of court of Caldwell Parish, Claiborne Parish, DeSoto Parish, Franklin Parish,
15 Red River Parish, Union Parish, and Webster Parish or by a deputy clerk of court
16 designated by the respective clerk in writing to act in his stead in all matters affecting
17 the jury commission. The clerk of court or his designated deputy shall have the same
18 powers, duties, and responsibilities, and shall be governed by all applicable
19 provisions of law pertaining to jury commissioners. The clerks of court of Caldwell
20 Parish, Claiborne Parish, DeSoto Parish, Franklin Parish, Red River Parish, Union
21 Parish, and Webster Parish shall perform the duties and responsibilities otherwise
22 imposed upon him by law with respect to jury venires, shall coordinate the jury

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

2024 Regular Session
HOUSE BILL NO. 230

ACT No. 207

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 582, relative to post conviction
3 relief; to provide with respect to time limitations for commencing a new trial once
4 a mistrial has been declared or a defendant obtains a new trial; to specify that a new
5 trial may be obtained through a motion for new trial, appeal, post conviction relief,
6 or any other mechanism provided in state or federal law; to provide that the time
7 delays apply to all of those circumstances; to provide that if the state seeks review
8 of the granting of the new trial, time limitations do not commence to run until the
9 judgment granting the new trial has become final by the state exhausting all avenues
10 of appeal and review; to provide for an effective date; and to provide for related
11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Code of Criminal Procedure Article 582 is hereby amended and reenacted
14 to read as follows:

15 Art. 582. Time limitations; effect of new trial

16 A. When a defendant obtains a new trial through a motion for new trial,
17 appeal, post conviction relief, or any other mechanism provided in state or federal
18 law, or when there is a mistrial, the state ~~must~~ shall commence the second trial
19 within one year from the date the new trial is granted, or the mistrial is ordered, or
20 within the period established by Article 578, whichever is longer.

21 B. If the state seeks review of the granting of the new trial, the period of
22 limitations in this Article shall not commence to run until the judgment granting the
23 new trial has become final by the state exhausting all avenues of review in the
24 appropriate appellate courts, including the Louisiana Supreme Court.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 445

ACT No. 221

BY REPRESENTATIVE FONTENOT

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 335, relative to bond forfeitures;
3 to provide relative to procedures for bond forfeiture; to provide time periods for
4 filing; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 335 is hereby amended and reenacted
7 to read as follows:

8 Art. 335. Rule to show cause; bond forfeiture

9 If the defendant fails to make an appearance and has not been surrendered or
10 constructively surrendered within one hundred eighty days of the execution of the
11 certificate that notice of warrant for arrest was sent, the prosecuting attorney may file
12 a rule to show cause requesting that a bond forfeiture judgment be rendered. The
13 rule to show cause shall be mailed to the defendant and served on all other parties
14 against whom a judgment is sought. The rule to show cause shall be set for a
15 contradictory hearing. The time period for filing a rule to show cause to obtain a
16 judgment of bond forfeiture ~~does not begin until~~ shall be within five years after the
17 notice of warrant for arrest is sent.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 497

ACT No. 222

BY REPRESENTATIVE FONTENOT

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 311(4)(c), relative to constructive
3 surrender; to provide for the payment of certain costs; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 311(4)(c) is hereby amended and
7 reenacted to read as follows:

8 Art. 311. Definitions

9 For the purpose of this Title, the following definitions shall apply:

10 * * *

11 (4) A constructive surrender is the detention of the defendant in another
12 parish of the state of Louisiana or a foreign jurisdiction under the following
13 circumstances:

14 * * *

15 (c) The surety ~~has paid~~ agrees to pay reasonable or actual costs of returning
16 the defendant to the jurisdiction where the warrant for arrest was issued ~~by one of the~~
17 ~~following methods~~: .If the surety fails to pay a set amount of the reasonable or actual
18 costs, the recovery shall be through a summary proceeding against both the principal
19 and the surety, as provided in Code of Civil Procedure Article 2592(4).

20 (i) ~~Upon presentation of proof of the defendant's current incarceration in a~~
21 ~~foreign jurisdiction to the officer originally charged with the defendant's detention,~~
22 ~~the officer shall provide the surety with the reasonable or actual costs of returning~~

2024 Regular Session
HOUSE BILL NO. 269
BY REPRESENTATIVE MUSCARELLO

ACT No. 263

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AN ACT

To amend and reenact Code of Criminal Procedure Article 611(C) and R.S. 14:110(A)(2), (B)(3), and (E) and to enact Code of Criminal Procedure Article 611(E) and R.S. 14:110(A)(4), relative to the crime of simple escape; to provide relative to venue; to provide for an alternative element of the offense; to provide for a violation of this offense; to provide relative to a penalty; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 611(C) is hereby amended and reenacted and Code of Criminal Procedure Article 611(E) is hereby enacted to read as follows:

Art. 611. Venue; trial where offense committed

* * *

C. If the offender is charged with any of the following offenses, the offense is deemed to have been committed either in the parish where the offense occurred or where the victim resides:

- (1) ~~R.S. 14:67.3, unauthorized use of an access card.~~
- (~~2~~) R.S. 14:67.16, identity theft.
- (~~3~~) (2) R.S. 14:70.4, access device fraud.
- (~~4~~) (3) R.S. 14:70.8, illegal transmission of monetary funds.
- (~~5~~) (4) R.S. 14:71.1, bank fraud.
- (~~6~~) (5) R.S. 14:72, forgery.
- (~~7~~) (6) R.S. 14:72.2, monetary instrument abuse.

* * *

1 confined under the jurisdiction and control of the ~~sheriffs~~ law enforcement of the
2 respective parishes.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 270

HOUSE BILL NO. 553

BY REPRESENTATIVES BRYANT, BOYD, CARPENTER, WILFORD CARTER, CHASSION, FISHER, GREEN, JACKSON, TRAVIS JOHNSON, KNOX, LAFLEUR, MARCELLE, MENA, MOORE, NEWELL, SELDERS, TAYLOR, AND WALTERS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 972 and 983(G) and to enact
3 Code of Criminal Procedure Articles 999 and 999.1, relative to expungement; to
4 provide for the expungement of arrest records for certain individuals; to provide for
5 a definition; to provide relative to criteria to receive an expungement; to provide for
6 exceptions; to provide for duties; to provide for exemption from processing fees; to
7 provide for an expungement form; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 972 and 983(G) are hereby amended
10 and reenacted and Code of Criminal Procedure Articles 999 and 999.1 are hereby enacted
11 to read as follows:

12 Art. 972. Definitions

13 As used in this Title:

14 (1) "Expedited expungement" means an order of expungement that a judge
15 may sign pursuant to Article 999 without the individual filing a motion to expunge
16 with the clerk of court.

17 (2) "Expunge a record" means to remove a record of arrest or conviction,
18 photographs, fingerprints, disposition, or any other information of any kind from
19 public access pursuant to the provisions of this Title. "Expunge a record" does not
20 mean destruction of the record.

1 Art. 999. Expungement of arrest records for certain individuals

2 A. A person shall be entitled to the expedited expungement of his arrest, at
3 no cost to him, if he meets all of the following:

4 (1) He is seventeen years of age when he is arrested or charged with any
5 criminal offense as provided in Title 14 or 40 of the Louisiana Revised Statutes of
6 1950.

7 (2) The district attorney, for any reason, declined to prosecute all offenses
8 arising out of that arrest, including the reason that the person successfully completed
9 a pretrial diversion program.

10 (3) Prosecution was instituted and such proceedings have been finally
11 disposed of by dismissal, sustaining of a motion to quash, or acquittal.

12 B. The provisions of this Article shall not apply to any misdemeanor or
13 felony conviction arising from the incident of arrest.

14 C. The expedited expungement shall be served pursuant to the provisions of
15 Article 982.

16 Art. 999.1. Order form to be used; expedited expungement

17 **JUDICIAL DISTRICT FOR THE PARISH OF**

18 _____

19 No.: _____

Division: " "

20 **State of Louisiana**

21 **vs.**

22 _____

23 **ORDER OF EXPUNGEMENT UNDER**

24 **CODE OF CRIMINAL PROCEDURE ARTICLE 999**

25 Pursuant to Code of Criminal Procedure Article 999, wherein all of the
26 following applies,

27 (1) The defendant was seventeen years of age when he was arrested or
28 charged with any criminal offense as provided in Title 14 or 40 of the Louisiana
29 Revised Statutes of 1950.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 5. Attorney for Defendant (or defendant)_____

2 6. Clerk of Court _____

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 24

BY SENATOR SEABAUGH AND REPRESENTATIVES BACALA, FONTENOT,
ROMERO, SCHAMERHORN AND THOMPSON

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 234, relative to booking
3 photographs; to remove certain limitations on the release and dissemination of
4 booking photographs; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Art. 234 is hereby amended and reenacted to
7 read as follows:

8 Art. 234. Booking photographs

9 A. As used in this Article:

10 (1) "Booking photograph" means a photograph or still, non-video image of
11 an individual generated by a law enforcement agency for identification purposes
12 after arrest or while in the agency's custody.

13 (2) "Remove-for-pay publication or website" means a publication that
14 requires the payment of a fee or other valuable consideration in order to remove or
15 delete a booking photograph from the publication or which **primarily** utilizes the
16 publication of booking photographs for profit or to obtain advertising revenue.

17 ~~B. Except as provided in this Article, a law enforcement officer or agency~~
18 ~~shall not provide a copy of a booking photograph in any format to a person~~
19 ~~requesting a copy of that photograph.~~

20 ~~C.(1) No law enforcement officer or agency shall publish, release, or~~
21 ~~disseminate in any format a booking photograph to the public or to a private person~~
22 ~~or entity unless any of the following occurs:~~

1 ~~(a) The individual is a fugitive, and a law enforcement officer or agency~~
2 ~~determines that releasing or disseminating the booking photograph will assist in~~
3 ~~apprehending the individual.~~

4 ~~(b) A law enforcement officer or agency determines that the individual is an~~
5 ~~imminent threat to an individual or to public safety and determines that releasing or~~
6 ~~disseminating the booking photograph will assist in reducing or eliminating the~~
7 ~~threat.~~

8 ~~(c) A judge of a court of competent jurisdiction orders the release or~~
9 ~~dissemination of the booking photograph based on a finding that the release or~~
10 ~~dissemination is in furtherance of a legitimate interest.~~

11 ~~(d) The individual is convicted of or pleads guilty or nolo contendere to a~~
12 ~~crime, lesser crime, or lesser included offense as defined in Article 558 in response~~
13 ~~to the same crime for which he was arrested or if there is criminal litigation related~~
14 ~~to the same crime that is pending or reasonably anticipated.~~

15 ~~(e) The individual is charged with a crime of violence as defined in R.S.~~
16 ~~14:2(B), except stalking, or charged with any of the following offenses:~~

17 ~~(i) Sex offenses as defined in R.S. 15:541.~~

18 ~~(ii) Human trafficking offenses as defined in R.S. 14:46.2 and 46.3.~~

19 ~~(iii) Offenses affecting the health and morals of minors, R.S. 14:91 et seq.~~

20 ~~(iv) Offenses affecting the health and safety of persons with infirmities,~~
21 ~~R.S.14:93.3 et seq.~~

22 ~~(v) Video voyeurism.~~

23 ~~(vi) Cruelty to animals.~~

24 ~~(vii) Dogfighting.~~

25 ~~(f) The individual is released on a bail undertaking and the law enforcement~~
26 ~~officer or agency is requested to release or disseminate the booking photograph to~~
27 ~~the individual's surety agent.~~

28 ~~(g) A law enforcement officer or agency determines that releasing or~~
29 ~~disseminating the booking photograph is necessary for investigative purposes.~~

30 ~~(2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, a~~

1 law enforcement officer or agency shall provide a copy of a booking photograph to
2 the individual who is the subject of the booking photograph or to the counsel of
3 record for the individual upon request.

4 ~~(3) A booking photograph published, released, or disseminated by a law~~
5 ~~enforcement officer or agency, except after the subject of the booking photograph~~
6 ~~being found guilty or pleading guilty or nolo contendere as provided in~~
7 ~~Subsubparagraph (1)(d) of this Paragraph, shall include a disclaimer that states "all~~
8 ~~persons are presumed innocent until proven guilty".~~

9 ~~(4) No law enforcement agency or employee thereof shall be subject to civil~~
10 ~~action or be held liable when the publication, release, or dissemination was made by~~
11 ~~mistake of fact or error, or was inadvertent and made in good faith.~~

12 ~~D. The publication of a booking photograph of a Louisiana resident~~
13 ~~constitutes minimum contact with the state and by doing so, the party shall be subject~~
14 ~~to the jurisdiction of Louisiana courts.~~

15 E. B.(1) A remove-for-pay publication or website shall remove and destroy
16 a booking photograph of an individual who submits a request for removal and
17 destruction within seven calendar days from the day that the individual makes the
18 request if both of the following conditions exist:

19 (a) The individual in the booking photograph was acquitted of the criminal
20 charge or not prosecuted, or the individual had the criminal charge expunged,
21 vacated, or pardoned.

22 (b) The individual submits, in relation to the request, evidence of a
23 disposition described in Subsubparagraph (a) of this Subparagraph.

24 (2)(a) A remove-for-pay publication or website shall not require payment for
25 removal or destruction of the booking photograph.

26 (b) Any remove-for-pay publication or website that seeks any fee or other
27 valuable consideration for the removal or destruction of a booking photograph shall
28 be subject to prosecution under R.S. 14:66.

29 (3) If the remove-for-pay publication or website does not remove and destroy
30 the booking photograph, the remove-for-pay publication or website shall be liable

1 for all costs, including reasonable attorney fees, resulting from any legal action that
2 the individual brings in relation to the failure of the remove-for-pay publication or
3 remove-for-pay website to remove and destroy the booking photograph.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 91

BY SENATOR DUPLESSIS AND REPRESENTATIVES BAYHAM, WILFORD
CARTER, CHASSION, LARVADAIN, TAYLOR AND WALTERS

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 926.1(A)(1), (H)(3), and (K), relative to post-conviction DNA testing; to extend the time period for filing an application for post-conviction DNA testing; to extend the time period for preservation of biological material under certain circumstances; to provide relative to the DNA Testing Post-Conviction Relief for Indigents Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 926.1(A)(1), (H)(3), and (K) are hereby amended and reenacted to read as follows:

Art. 926.1. Application for DNA testing

A.(1) Prior to August 31, ~~2024~~ **2030**, a person convicted of a felony may file an application under the provisions of this Article for post-conviction relief requesting DNA testing of an unknown sample secured in relation to the offense for which he was convicted. On or after August 31, ~~2024~~ **2030**, a petitioner may request DNA testing under the rules for filing an application for post-conviction relief as provided in Article 930.4 or 930.8.

* * *

H. * * *

(3) After service of the application on the district attorney and the law enforcement agency in possession of the evidence, the clerks of court of each parish and all law enforcement agencies, including but not limited to district attorneys, sheriffs, the office of state police, local police agencies, and crime laboratories shall preserve until August 31, ~~2024~~ **2030**, all items of evidence in their possession which are known to contain biological material that can be subjected to DNA testing, in all cases that, as of August 15, 2001, have been concluded by a verdict of guilty or a

1 plea of guilty.

2 * * *

3 K. There is hereby created in the state treasury a special fund designated as
4 the DNA Testing Post-Conviction Relief for Indigents Fund. The fund shall consist
5 of money specially appropriated by the legislature. No other public money may be
6 used to pay for the DNA testing authorized under the provisions of this Article. The
7 fund shall be administered by the ~~Louisiana Public Defender Board~~ **office of the**
8 **state public defender**. The fund shall be segregated from all other funds and shall
9 be used exclusively for the purposes established under the provisions of this Article.
10 If the court finds that a petitioner under this Article is indigent, the fund shall pay for
11 the testing as authorized in the court order.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 75

BY SENATOR MORRIS (On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 253 and 2853, Code of Criminal
3 Procedure Article 14.1, and R.S. 44:116(D) and the introductory paragraph of R.S.
4 44:116(E)(1) and R.S. 44:116(E)(2), to enact Section 4 of Chapter 3 of Title I of
5 Book VI of the Code of Civil Procedure, to be comprised of Code of Civil Procedure
6 Article 2911, Code of Criminal Procedure Article 14.2, R.S. 9:2761 and 2762, and
7 R.S. 44:117, and to redesignate Code of Civil Procedure Article 258 and R.S. 44:117,
8 relative to electronic filing and record retention; to provide for the filing of
9 pleadings, documents, and exhibits in civil proceedings; to provide for the filing,
10 retention, and recordation of testaments; to provide for electronic and facsimile
11 filings in criminal proceedings; to provide for the effectiveness of electronic records;
12 to provide for the reproduction, maintenance, and destruction or return of original
13 records; to provide for the preservation of filings in the conveyance records; to
14 provide for redesignations; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Code of Civil Procedure Articles 253 and 2853 are hereby amended and
17 reenacted and Section 4 of Chapter 3 of Title I of Book VI of the Code of Civil Procedure,
18 to be comprised of Code of Civil Procedure Article 2911, is hereby enacted to read as
19 follows:

20 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

21 A. All pleadings or documents to be filed in an action or proceeding instituted
22 or pending in a court, and all exhibits introduced in evidence, shall be delivered **or**
23 **transmitted** to the clerk of the court for ~~such~~ **that** purpose. The clerk **of court** shall
24 endorse thereon the fact and date of filing; and shall retain possession thereof for
25 inclusion in the record, or in the files of his ~~the clerk's~~ office, as required by law.
26 The endorsement of the fact and date of filing shall be made upon receipt of the
27 pleadings or documents by the clerk **of court** and shall be made without regard to

1 whether there are orders in connection therewith to be signed by the court.

2 B. The filings as provided in Paragraph A of this Article and all other
3 provisions of this Chapter may be transmitted electronically in accordance with a
4 system established by a the clerk of court, ~~or by Louisiana Clerks' Remote Access~~
5 ~~Authority. When such a system is established, the~~ The clerk of court shall adopt and
6 implement procedures a system for the electronic filing and storage of any pleading,
7 document, or exhibit, ~~and the official record shall be the electronic record~~ filed with
8 a pleading. A pleading or document filed electronically is deemed filed on the date
9 and time stated on the confirmation of electronic filing sent from the system, if the
10 clerk of court accepts the electronic filing. Public access to electronically filed
11 pleadings and documents shall be in accordance with the rules governing access to
12 paper filings. ~~The clerk of court may convert into an electronic record any pleading,~~
13 ~~document, or exhibit as set forth in R.S. 44:116. The originals of conveyances shall~~
14 ~~be preserved by the clerk of court.~~

15 C. The clerk of court may convert into an electronic record any pleading,
16 document, or exhibit that is filed in paper form. If requested by the filing party,
17 the clerk of court shall return to the filing party the original of any document
18 or exhibit that has been converted into an electronic record.

19 D. The official record shall be the electronic record. The original of any
20 filed document or exhibit shall be maintained by the filing party during the
21 pendency of the proceeding and until the judgment becomes final and definitive,
22 unless otherwise provided by law or order of the court. Upon request and
23 reasonable notice, the original document or exhibit shall be produced to the
24 court. Upon reasonable notice, the original document or exhibit shall be made
25 available to the opposing party for inspection.

26 E. Unless otherwise directed by the court, the original of all documents
27 and exhibits introduced or proffered into evidence, submitted with a petition for
28 executory process, or filed in a summary judgment proceeding shall be retained
29 by the clerk of court until the order or judgment becomes final and definitive.

30 ~~E.~~ F. A judge or justice presiding over a court in this state may sign a court

1 order, notice, official court document, and other writings required to be executed in
 2 connection with court proceedings by use of an electronic signature as defined by
 3 R.S. 9:2602.

4 ~~D. Any pleading or document in a traffic or criminal action may be filed with~~
 5 ~~the court by facsimile transmission in compliance with the provision of the Code of~~
 6 ~~Criminal Procedure Article 14.1.~~

7 ~~E. The clerk shall not refuse to accept for filing any pleading or other~~
 8 ~~document signed by electronic signature, as defined by R.S. 9:2602, and executed~~
 9 ~~in connection with court proceedings, or which complies with the procedures for~~
 10 ~~electronic filing implemented pursuant to this Article, if any applicable fees for filing~~
 11 ~~and transmission are paid, solely on the ground that it was signed by electronic~~
 12 ~~signature.~~

13 F. **G.** If the filing party fails to comply with any **requirement of the**
 14 **requirements of Paragraph A or B of** this Article, the electronic filing shall have
 15 no force or effect. ~~The district courts~~ **A court** may provide by court rule for other
 16 matters related to filings by electronic transmission.

17 ~~G. H.~~ The clerk of court may procure equipment, services, and supplies
 18 necessary to accommodate electronic filings out of the clerk's salary fund.

19 ~~H. I.~~ All electronic filings shall include an electronic signature. For the
 20 purpose of this Article, "electronic signature" means an electronic symbol or process
 21 attached to or logically associated with a record and executed or adopted by a person
 22 with the intent to sign the record.

23 **J. The clerk of court shall not refuse to accept for filing any pleading or**
 24 **other document that is signed by electronic signature and executed in**
 25 **connection with court proceedings, or that complies with the procedures for**
 26 **electronic filing implemented pursuant to this Article, solely on the ground that**
 27 **the pleading or document was signed by electronic signature.**

28 Comments - 2024

29
 30 (a) The amendment to Paragraph B of this Article does not change the
 31 rule that the clerk of court has the authority to convert any pleading,
 32 document, or exhibit into an electronic record. Nevertheless, unless the court

1 directs otherwise, any original document that has legal efficacy, such as a
 2 will, codicil, trust, promissory note, authentic act, affidavit, or exhibit that
 3 may necessitate a physical examination by the trier of fact to determine an
 4 issue, must be retained by the parties until a final and definitive judgment is
 5 rendered. The judgment of a trial court becomes final and definitive when no
 6 post-trial motions or appeals are taken from the judgment. The judgment of
 7 a court of appeal becomes final and definitive if neither an application to the
 8 court of appeal for rehearing nor an application to the supreme court for a
 9 writ of certiorari is timely filed. See Article 2166(A). If a writ of certiorari
 10 is granted by the supreme court, the judgment of the supreme court becomes
 11 final and definitive when the delay for application for rehearing has expired
 12 or the application is denied. See Article 2167(B) and (C).
 13

14 (b) The amendment to Paragraph C of this Article clarifies that the clerk of
 15 court may convert into an electronic record any pleading, document, or exhibit that
 16 is filed in paper form. Even though the original document is converted into an
 17 electronic record, the original document may still be needed for examination at a
 18 hearing or trial.
 19

20 (c) The amendment to Paragraph E of this Article is new and requires that the
 21 original of all documents and exhibits introduced or proffered into evidence,
 22 submitted with a petition for executory process, or filed in a summary judgment
 23 proceeding be retained by the clerk of court until the order or judgment becomes
 24 final and definitive, unless the court otherwise directs. This does not change the law
 25 pertaining to the destruction of documents after filing. See, e.g., R.S. 13:917, 1221,
 26 1904, and 2562.26 relative to the destruction of useless records.
 27

28 * * *

29 ~~Art. 2853. Purported testament must be filed, though possessor doubts validity~~

30 **Filing of purported testament**

31
 32 **A.** If a person has possession of a document purporting to be the testament
 33 of a deceased person, even though ~~he~~ **the person** believes that the document is not
 34 the valid testament of the deceased; or has doubts concerning the validity ~~thereof, he~~
 35 **of the testament, the person** shall present it **the document** to the court with ~~his a~~
 36 petition praying that the document be filed in the record of the succession
 37 proceeding.

38 **B.** A person ~~so~~ presenting a purported testament to the court shall not be
 39 deemed to vouch for its authenticity or validity, nor ~~be~~ **be** precluded from asserting its
 40 invalidity.

41 * * *

42 **SECTION 4. RETENTION OF TESTAMENTS**

43 **Art. 2911. Retention of testaments**

1 and filing of the original document. The facsimile filing fee and transmission fee are
2 incurred upon receipt of the facsimile filing by the clerk of court and payable as
3 provided in Paragraph B of this Article. The facsimile filing shall have the same
4 force and effect as filing the original document, if the party complies with Paragraph
5 B of this Article.

6 B. Within seven days, exclusive of legal holidays, after the clerk of court
7 receives the facsimile filing, all of the following shall be delivered to the clerk of
8 court:

9 (1) The original document identical to the facsimile filing in number of pages
10 and in content of each page, including any attachments, exhibits, and orders. A
11 document **that is** not identical to the facsimile filing or ~~which~~ **that** includes pages
12 not included in the facsimile filing shall not be considered the original document.

13 (2) The fees for the facsimile filing and filing of the original document stated
14 on the confirmation of receipt, if any.

15 (3) A transmission fee of five dollars, if the defendant ~~had~~ **has** not been
16 declared indigent by the court.

17 C. If the filing party fails to comply with any of the requirements of
18 Paragraph B of this Article, the facsimile filing shall have no force or effect.

19 D. ~~Any~~ **A** court ~~district~~ may provide by court rule for any additional
20 requirement or provisions for filings by facsimile transmission.

21 E. In keeping with the clerk's policy, each clerk of court shall make available
22 the necessary equipment and supplies to accommodate facsimile filing in criminal
23 actions. Purchases for equipment and supplies necessary to accommodate facsimile
24 filings may be funded from any expense fund of the office of the clerk of court as the
25 clerks deem appropriate.

26 ~~F. The filings as provided in this article and all other provisions of this code~~
27 ~~may be transmitted electronically in accordance with a system established by a clerk~~
28 ~~of court or by the Louisiana clerks' remote access authority. When such a system is~~
29 ~~established, the clerk of court shall adopt and implement procedures for the~~
30 ~~electronic filing and storage of any pleading, document, or exhibit. Furthermore, in~~

1 a parish that accepts electronic filings covered under this paragraph, the official
 2 record shall be the electronic record. A pleading or document filed electronically is
 3 deemed filed on the date and time stated on the confirmation of electronic filing sent
 4 from the system, if the clerk of court accepts the electronic filing. Public access to
 5 electronically filed pleadings and documents shall be in accordance with the rules
 6 governing access to written filings.

7 Section 3. R.S. 9:2761 and 2762 are hereby enacted to read as follows:

8 **§2761. Effectiveness of electronic record**

9 **An electronic record filed in accordance with R.S. 44:119 shall have**
 10 **effect as to third persons in the same manner as if an original written**
 11 **instrument had been filed.**

12 **§2762. Recordation of testaments; indexing; effectiveness**

13 **If a testament is recorded in the conveyance records, the clerk of court**
 14 **shall index the testament only in the name of the testator. The recordation of the**
 15 **testament shall not itself have any effect on the rights of the heirs, legatees, and**
 16 **creditors of the succession and shall not make the provisions of the testament**
 17 **effective against third persons.**

18 Section 4. R.S. 44:116(D) and the introductory paragraph of R.S. 44:116(E)(1) and
 19 R.S. 44:116(E)(2) are hereby amended and reenacted, and R.S. 44:117 is hereby enacted, to
 20 read as follows:

21 §116. Photostatic, photographic, microfilm, or other photographic or electronic
 22 copies of records; indexes of conveyance and mortgage records;
 23 disposition; evidentiary status; preservation

24 * * *

25 D. Notwithstanding the provisions of Subsection B of this Section or any
 26 other provision of law to the contrary, for any record filed on or after January 1,
 27 2005, with the exception of records of a graphic nature, including but not limited to
 28 plats, maps, and photographs as related to the work of a Professional Land Surveyor
 29 engaged in the "Practice of Land Surveying", as defined in R.S. 37:682, a clerk of
 30 court may reproduce the record as provided in this Section and ~~may thereafter~~ **shall**

1 return the original record to the person presenting it: indicated person and to the
 2 address shown on the first page of the record, or if no such person and address
 3 is indicated, to any vendee or other transferee whose name and address are
 4 stated in the instrument. The clerk of court shall verify that the copy of the
 5 record is complete and legible prior to the return or disposal of the original
 6 record.

7 E.(1) Notwithstanding the provisions of Subsection B of this Section or any
 8 other provision of law to the contrary, with the exception of instruments filed in
 9 the conveyance records, a clerk of court shall not be required to maintain an
 10 original record filed on or prior to December 31, 2004, provided that:

11 * * *

12 (2) ~~A~~ With the exception of instruments filed in the conveyance records
 13 on or prior to December 31, 2004, a clerk of court may destroy any record provided
 14 for in this Subsection or return it to the person who ~~presented it for recordation after~~
 15 ~~the clerk receives certification from the state archivist that the records are not subject~~
 16 ~~to R.S. 44:406 or R.S. 44:427 and after the clerk has preserved the record as~~
 17 ~~provided for in this Section.~~ is indicated and to the address shown on the first
 18 page of the record, or if no such person and address is indicated, to the person
 19 who presented the record after the clerk of court has done all of the following:

20 (a) Received certification from the state archivist that the records are not
 21 subject to R.S. 44:406 or 411.

22 (b) Preserved the record as provided in this Section.

23 (c) Verified that the copy of the record is complete and legible. No cause
 24 of action for any claim shall exist against a clerk of court for any damage or loss
 25 resulting from the return or destruction of an original record in accordance with this
 26 Paragraph after receipt of the certification and proper preservation of the record.

27 * * *

28 §117. Preservation of filings in the conveyance records

29 A. The clerk of court shall preserve in perpetuity the original or, when
 30 permitted by R.S. 44:116, a complete and legible copy of each instrument filed

1 in the conveyance records.

2 B. For purposes of this Part, the conveyance records include all records,
3 however denominated, that are required by law to be indexed in the index of
4 conveyances maintained by the clerk of court.

5 Section 5. The Louisiana State Law Institute is hereby directed to redesignate
6 existing R.S. 44:117, entitled "Electronic copies of records; Lafayette Parish", as R.S. 44:118
7 and to redesignate Code of Civil Procedure Article 258 as R.S. 44:119.

8 Section 6. Nothing in this Act shall be construed to create a cause of action against
9 a clerk of court for destruction or disposition of records prior to the effective date of this Act
10 in accordance with the law in effect at the time of the destruction or disposition.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session

ACT No. 557

HOUSE BILL NO. 356

BY REPRESENTATIVES BOYD, ADAMS, BACALA, BRASS, WILFORD CARTER, CHASSION, COX, DEWITT, FISHER, FREEMAN, GREEN, HORTON, HUGHES, JACKSON, KNOX, LAFLEUR, LYONS, MARCELLE, MENA, MOORE, NEWELL, PHELPS, SCHLEGEL, SELDERS, TAYLOR, VENTRELLA, AND WALTERS

1 AN ACT

2 To enact Code of Criminal Procedure Article 573.4, relative to time limitations for initiating
3 prosecutions; to provide relative to time limitations in which to institute prosecution
4 for the crime of third degree rape; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 573.4 is hereby enacted to read as
7 follows:

8 Art. 573.4. Running of time limitations; exception; third degree rape

9 The time limitations established by Article 572 shall not commence to run
10 as to the crime of third degree rape (R.S. 14:43) until the crime is discovered by the
11 victim.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 560

HOUSE BILL NO. 416

BY REPRESENTATIVES JORDAN, CARPENTER, WILFORD CARTER, CHASSION, COX, FISHER, FREEMAN, GREEN, HUGHES, JACKSON, KNOX, LAFLEUR, LARVADAIN, LYONS, MOORE, NEWELL, ORGERON, PHELPS, SELDERS, TAYLOR, WALTERS, AND WILLARD

1 AN ACT

2 To enact Code of Criminal Procedure Article 985.3, relative to expungement of criminal
3 records; to provide for a court-ordered immediate expungement in certain cases; to
4 provide for the applicable expungement form to be used; to provide relative to
5 service and contents of the immediate expungement; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 985.3 is hereby enacted to read as
9 follows:

10 Art. 985.3. Immediate expungement; judicial discretion

11 A. The court may order the immediate expungement of the record of the
12 arrest and conviction of the violation that necessitated participation in the probation
13 or program by a person who is otherwise eligible for an expungement upon the
14 successful completion of a court-ordered probation or alternative sentencing
15 program.

16 B. Only the form provided in Article 992 shall be used to expunge the record
17 of a person who is otherwise eligible for an expungement upon the successful
18 completion of a court-ordered probation or alternative sentencing program.

19 C. The immediate expungement shall be served pursuant to the provisions
20 of Article 982 and shall include the court record with the signed order with all of the
21 following:

- 1 (1) The bill of information.
- 2 (2) The sentencing minutes.
- 3 (3) Any documents or records relevant to the arrest incident and plea
- 4 agreements, if available.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 505

ACT No. 564

BY REPRESENTATIVE FONTENOT

1 AN ACT

2 To enact Code of Criminal Procedure Articles 311(11) and 328(C), relative to electronic
3 bonds; to provide for definitions; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Code of Criminal Procedure Articles 311(11) and 328(C) are hereby
6 enacted to read as follows:

7 Art. 311. Definitions

8 For the purpose of this Title, the following definitions shall apply:

9 * * *

10 (11) Electronic bond is a commercial bail bond contract executed digitally
11 as security given by a surety to assure a defendant's appearance before the proper
12 court whenever required.

13 * * *

14 Art. 328. Bail undertaking

15 * * *

16 C.(1) An electronic bond may be executed in a parish where the sheriff has
17 electronic bond software in place. Agents may be approved by the sheriff to execute
18 an electronic bond. A licensed bail bond producer applying for electronic bond
19 authority may make an application to the sheriff and shall be domiciled and maintain
20 a principal place of business in this state and possess a Louisiana bail bond producer
21 license for at least three years preceding the date of application.

1 (2) The approving sheriff authority may require any documents deemed
2 necessary to verify the information contained in the application.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 116

BY SENATOR JACKSON-ANDREWS AND REPRESENTATIVE KNOX

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 978(A)(2) and 992 and to enact Code of Criminal Procedure Art. 978(F), relative to expungement of records; to provide for the expungement of a felony record with another felony conviction during the ten-year cleansing period under certain circumstances; to provide relative to expungement forms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 978(A)(2) and 992 are hereby amended and reenacted and Code of Criminal Procedure Art. 978(F) is hereby enacted to read as follows:

Art. 978. Motion to expunge record of arrest and conviction of a felony offense

A. Except as provided in Paragraph B of this Article, a person may file a motion to expunge his record of arrest and conviction of a felony offense if any of the following apply:

* * *

(2) More than ten years have elapsed since the person completed any sentence, deferred adjudication, or period of probation or parole based on the felony conviction, and the person has not been convicted of any other criminal offense ~~during the ten-year~~ **for a period; of at least ten years preceding the motion** and has no criminal charge pending against him. The motion filed pursuant to this Subparagraph shall include a certification obtained from the district attorney which verifies that, to his knowledge, the applicant has no convictions during the ten-year period **immediately preceding the motion**, and no pending charges under a bill of information or indictment.

* * *

F. A person shall be eligible to have more than one felony conviction expunged in a ten-year period if each felony is eligible for expungement under the provisions of this Article.

* * *

Art. 992. Order of expungement form to be used

STATE OF LOUISIANA

JUDICIAL DISTRICT FOR THE PARISH OF

No.: _____

Division: " _____ "

State of Louisiana

vs.

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

- The hearing conducted and evidence adduced herein, OR
- Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for No(s). _____ for the following reasons (check all that apply):

- More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.
- More than ten years have not elapsed since Mover completed the felony conviction sentence.
- Mover was convicted of one of the following ineligible felony offenses:
 - A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.
 - An offense currently listed as a sex offense that requires registration pursuant to R.S. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.
 - An offense defined or enumerated as a "crime of violence" pursuant to R.S. 14:2(B) at the time the Motion was filed.
 - The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

1 by redaction pursuant to Code of Criminal Procedure Article 985, for No(s). _____ and all
 2 agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any
 3 other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-
 4 captioned matter as they relate to the mover only. The record shall be confidential and no longer
 5 considered a public record, nor be available to other persons except a prosecutor, member of a law
 6 enforcement agency, or a judge who may request such information in writing certifying that such request
 7 is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other
 8 statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex
 9 offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order
 10 of this Court to any other person for good cause shown, or as otherwise authorized by law.

11 NAME: _____
 12 (Last, First, MI)

14 DOB: ____/____/____ (MM/DD/YY)

16 GENDER: ____ Female ____ Male

18 SSN (last 4 digits): XXX-XX-_____

20 RACE: _____

22 DRIVER LIC.# _____

24 ARRESTING AGENCY: _____

26 SID# (if available): _____

28 ARREST NUMBER (ATN): _____

30 AGENCY ITEM NUMBER: _____

32 ARREST DATE: ____/____/____ (MM/DD/YY)

35 **THUS ORDERED AND SIGNED** this ____ day of _____, 20 ____

37 at _____, Louisiana.

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JUDGE

PLEASE SERVE:

- 1. District Attorney: _____
- 2. Arresting Agency: _____
- 3. Parish Sheriff: _____
- 4. Louisiana Bureau of Criminal Identification and Information _____
- 5. Attorney for Defendant (or defendant) _____
- 6. Clerk of Court _____

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 413

BY SENATOR MILLER

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 893(I)(4) and 897(A)(introductory paragraph) and (B)(introductory paragraph), relative to probation; to provide that terms for probation or parole cannot be reduced for persons convicted of certain offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 893(I)(4) and 897(A)(introductory paragraph) and (B)(introductory paragraph) are hereby amended and reenacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

* * *

I.

* * *

(4) The Notwithstanding the provisions of Article 897(A), the court may terminate probation at any time as "satisfactorily completed" upon the final determination that the defendant is in compliance with the terms and conditions of probation.

* * *

Art. 897. Termination of probation or suspended sentence; discharge of defendant

A. In a felony case, other than for a conviction of operating a vehicle while intoxicated, vehicular homicide, or first degree vehicular negligent injuring, the court may terminate the defendant's probation, early or as unsatisfactory, and discharge him at any time after the expiration of one year of probation when either of the following occur:

* * *

2024 Regular Session

ACT No. 694

HOUSE BILL NO. 380

BY REPRESENTATIVES ZERINGUE, GREEN, JACKSON, NEWELL, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 13:754(A) through (D) and (F) and 850(A), Code of Civil
3 Procedure Article 253, and Code of Criminal Procedure Article 14.1 and to enact
4 Code of Criminal Procedure Article 14.2, relative to electronic filings; to provide
5 relative to the membership and duties of the Louisiana Clerks' Remote Access
6 Authority; to provide relative to electronic filing standards and requirements; to
7 provide relative to facsimile transmissions; to provide for contingent effectiveness;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:754(A) through (D) and (F) and 850(A) are hereby amended and
11 reenacted to read as follows:

12 §754. Louisiana Clerks' Remote Access Authority; membership; board of
13 commission; statewide portal

14 A. There is hereby created the Louisiana Clerks' Remote Access Authority
15 which shall be referred to as ~~the~~ "LCRAA".

16 B. ~~The~~ LCRAA shall provide for infrastructure, governance, standard
17 operating procedures, technology, maintenance, and training to support a statewide
18 portal with a universal interface for secure remote access by internet users to certain
19 records maintained by LCRAA members, ~~and~~ LCRAA shall provide assistance to
20 LCRAA members in procuring, implementing, enhancing, and maintaining
21 equipment, supplies, and services related to technology to facilitate electronic
22 transactions and communications and to disseminate information to the public, to
23 facilitate the operations of any member during any declared emergency, and to
24 provide for document preservation. Every district clerk of court shall facilitate

1 electronic filing, recording, and remote access through the LCRAA portal by January
 2 1, 2026. LCRAA shall work with the district clerks of court to achieve the goal of
 3 electronic filing, recording, and remote access through the universal interface on the
 4 statewide portal maintained by LCRAA.

5 C.(1) ~~The LCRAA shall be composed of members who are district clerks of~~
 6 ~~court to provide the LCRAA with secure remote access to indices of certain records~~
 7 ~~maintained by each district clerk of court. LCRAA shall adopt rules permitting~~
 8 ~~additional district clerks of court to enroll as members of LCRAA on a schedule~~
 9 ~~which shall include at least one enrollment period per fiscal year. Every district~~
 10 ~~clerk of court shall become a member of LCRAA by July 1, 2020. LCRAA shall~~
 11 ~~provide the legislature, prior to the convening of the 2020 Regular Session, with a~~
 12 ~~written progress report that includes a list of participating clerks of court by parish~~
 13 ~~and a list of clerks of court by parish not yet participating, an overview of the~~
 14 ~~information currently available through LCRAA, and information on the availability~~
 15 ~~of online records of each clerk of court by parish.~~

16 ~~D.(1)~~ (2) The LCRAA shall be governed by a ~~seven-member~~ six-member
 17 board of commissioners, referred to in this Section as the "board", and consists of the
 18 following members:

19 (a) Five commissioners to be elected by the LCRAA from the LCRAA
 20 membership.

21 (b) ~~One commissioner to be designated by the Louisiana Bankers~~
 22 ~~Association (LBA).~~

23 (c) One commissioner to be designated by the Louisiana Land Title
 24 Association (LLTA) or the Louisiana Association of Independent Land Title Agents
 25 (LAILTA). The commissioners from each association shall serve for a one-year
 26 term, alternating between the two associations. The designee of the LAILTA shall
 27 serve as the initial commissioner with the term beginning July 1, 2014, and ending
 28 June 30, 2015. The term for the designee of the LLTA shall begin on July 1, 2015,
 29 and end on June 30, 2016.

1 ~~(2)~~ (3)(a) Board members elected by the LCRAA and elected by the LBA
2 shall serve two-year terms. The initial term shall begin on July 1, 2014, and shall
3 end on June 30, 2016.

4 (b) Board members shall be eligible for election to succeeding terms without
5 limit.

6 (c) Any expired term or vacancy on the board of LCRAA shall be filled in
7 the same manner as the original appointment.

8 ~~(3)~~ (4) The board shall elect from its members a chair, a vice chair, a
9 secretary, a treasurer, and such other officers as it may deem necessary. The duties
10 of the officers shall be fixed by the by-laws adopted by LCRAA.

11 ~~(4)~~ (5) The members of the board shall serve without compensation but shall
12 be reimbursed for their reasonable expenses directly related to the governance of
13 LCRAA.

14 ~~(5)~~ (6) The domicile of LCRAA shall be in East Baton Rouge Parish.

15 D. Every clerk of court shall provide the following information to LCRAA,
16 which shall be compiled by LCRRA and submitted to the legislature no later than
17 January 1, 2025:

18 (1) The case management system or docket system software and software
19 vendor used by each parish clerk of court.

20 (2) The number and percentage of remote electronic filings and physical
21 filings of pleadings converted to electronic image by each parish clerk of court.

22 (3) The capability of the case management system or docket system of each
23 parish clerk of court to accept electronic signatures by judges and the extent of the
24 use of electronic signature systems by judges of the court.

25 (4) The costs charged by each clerk of court to persons for electronic filing
26 of civil and criminal pleadings and the amounts charged to access, view, and
27 download images of pleadings via an electronic case management system or docket
28 system.

29 (5) The costs charged by each clerk of court for electronic recording of
30 documents effecting land titles.

1 filing by the clerk of court and payable as provided in Subsection B of this Section.
 2 The facsimile filing shall have the same force and effect as filing the original
 3 document, if the filing party complies with Subsection B of this Section.

4 * * *

5 Section 2. Code of Civil Procedure Article 253(B) and (D) are hereby amended and
 6 reenacted and Code of Civil Procedure Article 253(I) is hereby enacted to read as follows:

7 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

8 * * *

9 ~~B. The filings as provided in Paragraph A of this Article and all other~~
 10 ~~provisions of this Chapter may be transmitted electronically in accordance with a~~
 11 ~~system established by a clerk of court or by Louisiana Clerks' Remote Access~~
 12 ~~Authority.~~ B. On and after January 1, 2026, all filings as provided in Paragraph A
 13 of this Article and all other provisions of this Chapter filed by an attorney shall be
 14 transmitted electronically through the system selected by the filing attorney. The
 15 filing shall be made in accordance with the system established by a clerk of court or
 16 by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
 17 ensuring private information is not included in filings. No filing shall include the
 18 first five digits of any social security number, tax identification numbers, state
 19 identification numbers, driver's license numbers, financial account numbers, full
 20 dates of birth, or any information protected from disclosure by state or federal law.

21 When such a system is established, the clerk of court shall adopt and implement
 22 procedures for the electronic filing and storage of any pleading, document, or
 23 exhibit, and the official record shall be the electronic record. A pleading or
 24 document filed electronically is deemed filed on the date and time stated on the
 25 confirmation of electronic filing sent from the system, if the clerk of court accepts
 26 the electronic filing. Public access to electronically filed pleadings and documents
 27 shall be in accordance with the rules governing access to paper filings. The clerk of
 28 court may convert into an electronic record any pleading, document, or exhibit as set

1 F. ~~The~~ G. Beginning January 1, 2026, all filings as provided in this Article
 2 and all other provisions of this Code ~~may~~ filed by an attorney shall be transmitted
 3 electronically through the system selected by the filing attorney. The filing shall be
 4 made in accordance with a the system established by a clerk of court or by the
 5 Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
 6 ensuring private information is not included in filings. No filing shall include the
 7 first five digits of any social security number, tax identification numbers, state
 8 identification numbers, driver's license numbers, financial account numbers, full
 9 dates of birth, or any information protected from disclosure by state or federal law.
 10 When such a system is established, the clerk of court shall adopt and implement
 11 procedures for the electronic filing and storage of any pleading, document, or
 12 exhibit. Furthermore, in a parish that accepts electronic filings covered under this
 13 Paragraph, the official record shall be the electronic record. A pleading or document
 14 filed electronically is deemed filed on the date and time stated on the confirmation
 15 of electronic filing sent from the system, if the clerk of court accepts the electronic
 16 filing. Public access to electronically filed pleadings and documents shall be in
 17 accordance with the rules governing access to written filings.

18 Section 4. Code of Civil Procedure Article 253 is hereby amended and reenacted to
 19 read as follows:

20 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

21 A. All pleadings or documents to be filed in an action or proceeding
 22 instituted or pending in a court, and all exhibits introduced in evidence, shall be
 23 delivered or transmitted to the clerk of the court for ~~such~~ that purpose. The clerk of
 24 court shall endorse thereon the fact and date of filing; and shall retain possession
 25 thereof for inclusion in the record, or in the files of ~~his~~ the clerk's office, as required
 26 by law. The endorsement of the fact and date of filing shall be made upon receipt of
 27 the pleadings or documents by the clerk of court and shall be made without regard
 28 to whether there are orders in connection therewith to be signed by the court.

29 B.(1) The filings as provided in Paragraph A of this Article and all other
 30 provisions of this Chapter may be transmitted electronically in accordance with a

1 system established by a the clerk of court, ~~or by Louisiana Clerks' Remote Access~~
2 ~~Authority. When such a system is established, the~~ The clerk of court shall adopt and
3 ~~implement procedures~~ a system for the electronic filing and storage of any pleading,
4 document, or exhibit, ~~and the official record shall be the electronic record~~ filed with
5 a pleading. A pleading or document filed electronically is deemed filed on the date
6 and time stated on the confirmation of electronic filing sent from the system, if the
7 clerk of court accepts the electronic filing. Public access to electronically filed
8 pleadings and documents shall be in accordance with the rules governing access to
9 paper filings. ~~The clerk of court may convert into an electronic record any pleading,~~
10 ~~document, or exhibit as set forth in R.S. 44:116. The originals of conveyances shall~~
11 ~~be preserved by the clerk of court.~~

12 (2) On and after January 1, 2026, all filings as provided in Paragraph A of
13 this Article and all other provisions of this Chapter filed by an attorney shall be
14 transmitted electronically in accordance with a system established by a clerk of court
15 or by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
16 ensuring private information is not included in filings. No filing shall include the
17 first five digits of any social security number, tax identification numbers, state
18 identification numbers, driver's license numbers, financial account numbers, full
19 dates of birth, or any information protected from disclosure by state or federal law.
20 The clerk of court shall adopt a system for the electronic filing and storage of any
21 pleading, document, or exhibit filed with a pleading. A pleading or document filed
22 electronically is deemed filed on the date and time stated on the confirmation of
23 electronic filing sent from the system, if the clerk of court accepts the electronic
24 filing. Public access to electronically filed pleadings and documents shall be in
25 accordance with the rules governing access to paper filings.

26 C. The clerk of court may convert into an electronic record any pleading,
27 document, or exhibit that is filed in paper form. If requested by the filing party, the
28 clerk of court shall return to the filing party the original of any document or exhibit
29 that has been converted into an electronic record.

1 D. The official record shall be the electronic record. The original of any filed
2 document or exhibit shall be maintained by the filing party during the pendency of
3 the proceeding and until the judgment becomes final and definitive, unless otherwise
4 provided by law or order of the court. Upon request and reasonable notice, the
5 original document or exhibit shall be produced to the court. Upon reasonable notice,
6 the original document or exhibit shall be made available to the opposing party for
7 inspection.

8 E. Unless otherwise directed by the court, the original of all documents and
9 exhibits introduced or proffered into evidence, submitted with a petition for
10 executory process, or filed in a summary judgment proceeding shall be retained by
11 the clerk of court until the order or judgment becomes final and definitive.

12 F. A judge or justice presiding over a court in this state may sign a court
13 order, notice, official court document, and other writings required to be executed in
14 connection with court proceedings by use of an electronic signature as defined by
15 R.S. 9:2602.

16 ~~D. Any pleading or document in a traffic or criminal action may be filed with~~
17 ~~the court by facsimile transmission in compliance with the provision of the Code of~~
18 ~~Criminal Procedure Article 14.1.~~

19 ~~E. The clerk shall not refuse to accept for filing any pleading or other~~
20 ~~document signed by electronic signature, as defined by R.S. 9:2602, and executed~~
21 ~~in connection with court proceedings, or which complies with the procedures for~~
22 ~~electronic filing implemented pursuant to this Article, if any applicable fees for filing~~
23 ~~and transmission are paid, solely on the ground that it was signed by electronic~~
24 ~~signature.~~

25 F. G. If the filing party fails to comply with any requirement of the
26 requirements of Paragraph (A) or (B)(1) of this Article, the electronic filing shall
27 have no force or effect. ~~The district courts~~ A court may provide by court rule for
28 other matters related to filings by electronic transmission.

29 ~~G. H.~~ H. The clerk of court may procure equipment, services, and supplies
30 necessary to accommodate electronic filings out of the clerk's salary fund.

1 H. I. All electronic filings shall include an electronic signature. For the
 2 purpose of this Article, "electronic signature" means an electronic symbol or process
 3 attached to or logically associated with a record and executed or adopted by a person
 4 with the intent to sign the record.

5 J. The clerk of court shall not refuse to accept for filing any pleading or other
 6 document that is signed by electronic signature and executed in connection with
 7 court proceedings, or that complies with the procedures for electronic filing
 8 implemented pursuant to this Article, solely on the ground that the pleading or
 9 document was signed by electronic signature.

10 K. Upon adoption of uniform filing standards by the LCRAA, no clerk of
 11 court shall accept a filing not in accordance with the adopted standards.

12 Section 5. Code of Criminal Procedure Article 14.1 is hereby amended and reenacted
 13 and Code of Criminal Procedure Article 14.2 is hereby enacted to read as follows:

14 ~~Art. 14.1. Filing of pleadings and documents by facsimile or electronic transmission~~

15 Electronic filings

16 A. Until January 1, 2026, any document in a traffic or criminal action may
 17 be transmitted electronically in accordance with a system established by the clerk of
 18 court. The clerk of court shall adopt a system for the electronic filing and storage of
 19 any pleading, document, or exhibit other than those documents or exhibits introduced
 20 and filed at a hearing or trial. Furthermore, in a court that accepts electronic filings
 21 in accordance with this Paragraph, the official record shall be the electronic record.
 22 A pleading or document filed electronically is deemed filed on the date and time
 23 stated on the confirmation of electronic filing sent from the system, if the clerk of
 24 court accepts the electronic filing. Public access to electronically filed pleadings and
 25 documents shall be in accordance with the rules governing access to written filings.

26 B. Beginning January 1, 2026, all filings as provided in this Article and all
 27 other provisions of this Code filed by an attorney shall be transmitted electronically
 28 in accordance with a system established by a clerk of court or by the Louisiana
 29 Clerks' Remote Access Authority. The filer shall be responsible for ensuring private
 30 information is not included in filings. No filing shall include the first five digits of

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 any social security number, tax identification numbers, state identification numbers,
 2 driver's license numbers, financial account numbers, full dates of birth, or any
 3 information protected from disclosure by state or federal law. The clerk of court shall
 4 adopt a system for the electronic filing and storage of any pleading, document, or
 5 exhibit other than those documents or exhibits introduced and filed at a hearing or
 6 trial. Furthermore, in a court that accepts electronic filings in accordance with this
 7 Paragraph, the official record shall be the electronic record. A pleading or document
 8 filed electronically is deemed filed on the date and time stated on the confirmation
 9 of electronic filing sent from the system, if the clerk of court accepts the electronic
 10 filing. Public access to electronically filed pleadings and documents shall be in
 11 accordance with the rules governing access to written filings.

12 C. Upon adoption of uniform filing standards by the LCRAA, no clerk of
 13 court shall accept a filing not in accordance with the adopted standards.

14 Art. 14.2. Facsimile filings

15 A. ~~Any~~ Until January 1, 2026, any document in a traffic or criminal action
 16 may be filed with the clerk of court by facsimile transmission ~~if permitted by~~
 17 pursuant to the policy of the clerk of court. Filing shall be deemed complete at the
 18 time the facsimile transmission is received by the clerk of court. No later than on the
 19 first business day after receiving a facsimile filing, the clerk of court shall transmit
 20 to the filing party via facsimile a confirmation of receipt and include a statement of
 21 the fees for the facsimile filing and filing of the original document. The facsimile
 22 filing fee and transmission fee are incurred upon receipt of the facsimile filing by the
 23 clerk of court and payable as provided in Paragraph B of this Article. The facsimile
 24 filing shall have the same force and effect as filing the original document, if the party
 25 complies with Paragraph B of this Article.

26 B. Within seven days, exclusive of legal holidays, after the clerk of court
 27 receives the facsimile filing, all of the following shall be delivered to the clerk of
 28 court:

- 29 (1) The original document identical to the facsimile filing in number of
 30 pages and in content of each page₂, including any attachments, exhibits, and orders.

1 A document that is not identical to the facsimile filing or ~~which~~ that includes pages
2 not included in the facsimile filing shall not be considered the original document.

3 (2) The fees for the facsimile filing and filing of the original document stated
4 on the confirmation of receipt, if any.

5 (3) A transmission fee of five dollars, if the defendant ~~had~~ has not been
6 declared indigent by the court.

7 C. If the filing party fails to comply with any of the requirements of
8 Paragraph B of this Article, the facsimile filing shall have no force or effect.

9 D. ~~Any~~ A court ~~district~~ may provide by court rule for any additional
10 requirement or provisions for filings by facsimile transmission.

11 E. In keeping with the clerk's policy, each clerk of court shall make available
12 the necessary equipment and supplies to accommodate facsimile filing in criminal
13 actions. Purchases for equipment and supplies necessary to accommodate facsimile
14 filings may be funded from any expense fund of the office of the clerk of court as the
15 clerks deem appropriate.

16 F. Upon adoption of uniform filing standards by the LCRAA, no clerk of
17 court shall accept a filing not in accordance with the adopted standards.

18 ~~F. The filings as provided in this Article and all other provisions of this Code~~
19 ~~may be transmitted electronically in accordance with a system established by a clerk~~
20 ~~of court or by the Louisiana Clerks' Remote Access Authority. When such a system~~
21 ~~is established, the clerk of court shall adopt and implement procedures for the~~
22 ~~electronic filing and storage of any pleading, document, or exhibit. Furthermore, in~~
23 ~~a parish that accepts electronic filings covered under this Paragraph, the official~~
24 ~~record shall be the electronic record. A pleading or document filed electronically is~~
25 ~~deemed filed on the date and time stated on the confirmation of electronic filing sent~~
26 ~~from the system, if the clerk of court accepts the electronic filing. Public access to~~
27 ~~electronically filed pleadings and documents shall be in accordance with the rules~~
28 ~~governing access to written filings.~~

29 Section 6.(A) Sections 2 and 3 of this Act shall become effective only if Senate Bill
30 No. 75 of the 2024 Regular Session is not enacted and does not become law.

1 (B) Sections 4 and 5 of this Act shall become effective only if Senate Bill No. 75 of
2 the 2024 Regular Session is enacted and becomes law. If Senate Bill No. 75 of the 2024
3 Regular Session is enacted and becomes law, then the provisions of Sections 4 and 5 of this
4 Act supersede and control to the extent of any conflict between this Act and the Act that
5 originated as Senate Bill No. 75 of the 2024 Regular Session.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

BY REPRESENTATIVES KERNER, BACALA, BOYER, BRAUD, CARRIER, CHASSION, COX, DAVIS, DEWITT, FISHER, FREIBERG, GREEN, HUGHES, JACKSON, KNOX, LACOMBE, JACOB LANDRY, MANDIE LANDRY, LARVADAIN, MARCELLE, MILLER, MYERS, NEWELL, ST. BLANC, TAYLOR, AND WALTERS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 571 and 571.1, relative to
3 limitations upon the institution of prosecution; to provide that there is no time
4 limitation upon the institution of prosecution for the crime of molestation of a
5 juvenile or a person with a physical or mental disability; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 571 and 571.1 are hereby amended
9 and reenacted to read as follows:

10 Art. 571. Crimes for which there is no time limitation

11 There is no time limitation upon the institution of prosecution for any crime
12 for which the punishment may be death or life imprisonment or for the crime of
13 forcible or second degree rape (R.S. 14:42.1) or molestation of a juvenile or a person
14 with a physical or mental disability (R.S. 14:81.2).

15 Art. 571.1. Time limitation for certain sex offenses

16 Except as provided by Article 572, the time within which to institute
17 prosecution of the following sex offenses, regardless of whether the crime involves
18 force, serious physical injury, death, or is punishable by imprisonment at hard labor
19 shall be thirty years: attempted first degree rape, also formerly titled aggravated rape
20 (R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible

1 rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual
 2 battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S.
 3 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3),
 4 felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles
 5 (R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), ~~molestation of a~~
 6 ~~juvenile or a person with a physical or mental disability (R.S. 14:81.2)~~, prostitution
 7 of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S.
 8 14:86), crime against nature (R.S. 14:89), aggravated crime against nature (R.S.
 9 14:89.1), crime against nature by solicitation (R.S. 14:89.2(B)(3)), that involves a
 10 victim under eighteen years of age. This thirty-year period begins to run when the
 11 victim attains the age of eighteen.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session

ACT No. 724

HOUSE BILL NO. 792 (Substitute for House Bill No. 343 by Representative Bacala)

BY REPRESENTATIVES BACALA, ROBBY CARTER, COX, HORTON, KNOX,
LAFLEUR, AND THOMPSON

1 AN ACT

2 To enact Code of Criminal Procedure Article 388.1, relative to the initiation and
3 adjudication of criminal cases; to provide for the submission of reports; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 388.1 is hereby enacted to read as
7 follows:

8 Art. 388.1. Information to be provided to supreme court; daily reports

9 A. Beginning on January 1, 2025, the clerk of court for each judicial district
10 shall provide a daily electronic submission to the Louisiana Supreme Court
11 containing the data elements enumerated in Code of Criminal Procedure Article
12 388(A), as well as the date of initiation of prosecution, the date of adjudication, and
13 the number of days from initiation of prosecution to adjudication for all criminal
14 cases. The Louisiana Supreme Court shall include a summary of this information,
15 broken down by judicial district, in its annual report.

1 B. The data required by Paragraph A of this Article shall be recorded and
2 reported to the Louisiana Supreme Court in a standard format and practice as
3 directed by the court.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2024 Regular Session
HOUSE BILL NO. 819
BY REPRESENTATIVE VENTRELLA

ACT No. 729

1 AN ACT

2 To enact Code of Evidence Article 1105 and Code of Criminal Procedure Article 389,
3 relative to the burden of proof in certain proceedings; to provide for the burden of
4 proof when a claim of self-defense is raised in criminal or civil proceedings; to
5 provide relative to notice; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 1105 is hereby enacted to read as follows:

8 Art. 1105. Burden of proof; civil proceedings

9 A. In any civil proceeding in which the defense of self-defense is raised, the
10 defendant shall have the burden to prove by a preponderance of the evidence that he
11 acted in self-defense.

12 B. For the purposes of this Article, if the defense of self-defense is raised in
13 a civil proceeding by an authorized person as defined in R.S. 9:2793.12, the burden
14 of proof shall be on the party asserting the action to prove by a preponderance of the
15 evidence that the injury, death, or loss complained of was not caused by a justified
16 use of force or self-defense by the authorized person.

17 Section 2. Code of Criminal Procedure Article 389 is hereby enacted to read as
18 follows:

19 Art. 389. Burden of proof; justification of self-defense raised; probable cause

20 A. In any criminal proceeding in which the justification of self-defense is
21 raised pursuant to R.S. 14:19 or 20, the state shall have the burden to prove beyond
22 a reasonable doubt that the defendant did not act in self-defense.

23 B. Any defendant intending to assert the justification of self-defense
24 pursuant to R.S. 14:19 or 20 shall provide written notice to the district attorney

1 within ten days after the state has moved for discovery under Article 724. Thereafter,
2 the court may, for good cause shown, allow a defendant to provide such notice at any
3 time before the commencement of the trial.

4 C. A peace officer shall consider evidence of self-defense in accordance with
5 R.S. 14:19 or 20 when determining if probable cause exists to conduct an arrest.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____