



**Louisiana Clerks**  
**OF COURT ASSOCIATION**

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# CRIMINAL

*2025 Legislative Update*

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*Clerks Institute – Wednesday, August 13, 2025*

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# ACT No. 46

2025 Regular Session

HOUSE BILL NO. 23

BY REPRESENTATIVE MUSCARELLO

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 892(C) and to enact R.S.  
3 15:1228.10, relative to post-sentence statements and documents; to provide for the  
4 submission of certain statements to the Department of Public Safety and Corrections;  
5 to authorize the adoption of standards and policies adopted by the Integrated  
6 Criminal Justice Information System Policy Board for the electronic transmission of  
7 criminal justice data; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 892(C) is hereby amended and  
10 reenacted to read as follows:

11 Art. 892. Post-sentence statement by sheriff; accompanying documents

12 \* \* \*

13 C.(1) All statements and documents required by this Article shall physically  
14 accompany any defendant when said defendant is transferred to a penal institution  
15 or a mental institution or mental hospital. Said documents and statements shall be  
16 tendered to the officer in charge of the institution at the time that the defendant is  
17 presented for admittance thereto.

18 (2) For defendants who have been convicted of a felony and committed to  
19 the Department of Public Safety and Corrections, all statements and documents  
20 required by this Article shall be submitted electronically in accordance with R.S.  
21 15:1228.10.

22 \* \* \*

1 Section 2. R.S. 15:1228.10 is hereby enacted to read as follows:

2 §1228.10. Electronic submission of criminal justice data; ICJIS broker system

3 A. Any criminal justice agency required to submit criminal justice data shall  
4 do so electronically through the Integrated Criminal Justice Information System  
5 broker system (ICJIS).

6 B. All electronic data transmissions shall comply with the standards,  
7 protocols, and policies adopted by the ICJIS Policy Board, including technical  
8 specifications, security requirements, and certification procedures.

9 C. Until such time as the ICJIS broker system is fully operational for a  
10 particular data exchange pathway, each agency shall retain discretion regarding the  
11 method of transmission for its data submissions. Agencies shall, however, make  
12 reasonable and continuous efforts to conform interim practices to ICJIS standards  
13 and prepare for full integration upon broker system readiness.

14 D. Each agency shall be responsible for ensuring the accuracy, completeness,  
15 and timeliness of the criminal justice data it submits. In the event errors or  
16 omissions are discovered by the receiving agency or by ICJIS, the submitting agency  
17 shall correct and resubmit the data without undue delay, consistent with ICJIS  
18 standards.

19 E. Any agency that is unable to comply with ICJIS data submission  
20 requirements shall submit a report to the policy board in accordance with ICJIS  
21 promulgated policies and standards. The policy board shall monitor compliance and  
22 may recommend technical support or, if necessary, suspension of electronic data  
23 exchange privileges pending remediation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

# ACT No. 63

2025 Regular Session

HOUSE BILL NO. 143

BY REPRESENTATIVE MENA

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 334, relative to bail; to provide  
3 relative to notice of warrant for arrest; to provide for additional recipients of a notice  
4 of warrant for arrest; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 334 is hereby amended and reenacted  
7 to read as follows:

8 Art. 334. Notice of warrant ~~of~~ for arrest

9 After a warrant for arrest is issued, the clerk of court shall, within sixty days  
10 of the defendant's failure to appear, send a notice of warrant for arrest to the  
11 prosecuting attorney. The notice shall also be sent by United States mail or  
12 electronic means to the defendant, the bail agent or bondsman, if any, and the  
13 personal surety. Notice shall be sent by electronic means or by certified mail return  
14 receipt requested to the commercial surety. When the agent or bondsman has filed  
15 a "Notice of Electronic Notification Opt In" form with the clerk of court, the notice  
16 of warrant for arrest shall be sent to the agent or bondsman by electronic means. All  
17 notices shall be sent to the addresses provided pursuant to Article 329 or an address  
18 registered with the ~~Louisiana~~ Department of Insurance. The notice to the commercial  
19 surety shall include the power of attorney number used to execute the bail  
20 undertaking. Failure to include the power of attorney number shall not affect the  
21 validity or enforcement of a resulting judgment. After sending the notice of warrant  
22 for arrest, the clerk of court shall execute a certificate that notice was sent and place

1           the certificate in the record. Failure to send notice to the commercial surety and the  
2           agent or bondsman who has opted into electronic notification within sixty days of the  
3           defendant's failure to appear shall release the surety of all obligations under the bail  
4           undertaking.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

# ACT No. 76

2025 Regular Session

HOUSE BILL NO. 292

BY REPRESENTATIVE KNOX

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 812, relative to jury polling; to  
3 provide for polling when a verdict is not reached; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Code of Criminal Procedure Article 812 is hereby amended and reenacted  
6 to read as follows:

7 Art. 812. Same; polling and disposition of jury

8 A. ~~The~~ In all cases, the court shall order the clerk to poll the jury if requested  
9 by the state or the defendant. The poll shall be conducted in writing by applying the  
10 procedures of Subsection B of this Article, and shall be done in open court.

11 B.(1) ~~The~~ In cases in which a verdict was reached, procedure for the written  
12 polling of the jury shall require that the clerk hand to each juror a separate piece of  
13 paper containing the name of the juror and the words "Is this your verdict?" Each  
14 juror shall write on the slip of paper the words "Yes" or "No" along with his  
15 signature. The clerk shall collect the slips of paper, make them available for  
16 inspection by the court and counsel, and record the results.

17 (2) If a sufficient number of jurors as required by law to reach a verdict  
18 answer "yes" the clerk shall so inform the court. Upon verification of the results, the  
19 court shall order the clerk to record the verdict and order the jury discharged. If an  
20 insufficient number required to find a verdict answer "Yes," the court may remand  
21 the jury for further deliberation, or the court may declare a mistrial in accordance  
22 with Article 775. The polling slips may be placed under seal upon order of the court,

1           which shall state the specific reasons for placing the polling slips under seal. If so  
2           ordered the polling slips shall not be released to the public without a subsequent  
3           order of the court authorizing their release. If the court orders the release of the  
4           polling slips, the names of the jurors shall be redacted.

5           C. In cases for which no verdict could be reached and a mistrial has been  
6           declared under Article 775(2) of this Code, the court shall order the clerk to poll the  
7           jury if requested by the state or the defendant. The poll shall be conducted in writing  
8           by applying the procedures of Subsection D of this Section and shall be done in open  
9           court.

10          D. The procedure for the written polling of the jury shall require that the  
11          clerk hand to each juror a separate piece of paper containing the name of the juror  
12          and the words "What was your verdict?". Each juror shall write on the slip of paper  
13          the words "guilty" or "not guilty" or "guilty of a lesser offense" along with his  
14          signature. The clerk shall collect the slips of paper, make them available for  
15          inspection by the court and counsel, and record the results. The polling slips may be  
16          placed under seal upon order of the court, which shall state the specific reasons for  
17          placing the polling slips under seal. If so ordered, the polling slips shall not be  
18          released to the public without a subsequent order of the court authorizing their  
19          release. If the court orders the release of the polling slips, the names of the jurors  
20          shall be redacted.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



2025 Regular Session  
HOUSE BILL NO. 141  
BY REPRESENTATIVE HUGHES

ACT No. 149

1 AN ACT  
2 To enact Code of Criminal Procedure Article 331(M), relative to bail; to provide relative to  
3 the discharge of bail obligations; and to provide for related matters.  
4 Be it enacted by the Legislature of Louisiana:  
5 Section 1. Code of Criminal Procedure Article 331(M) is hereby enacted to read as  
6 follows:  
7 Art. 331. Discharge of bail obligation  
8 \* \* \*  
9 M. At any time prior to the defendant's failure to appear or within one  
10 hundred eighty days after the notice of warrant for arrest is sent, the surety may file  
11 proof of the defendant's deportation with the clerk of court. If the surety is unable  
12 to obtain proof of deportation, the surety or the court may invoke a contradictory  
13 hearing in order to establish proof of the defendant's deportation. If the court  
14 determines that the defendant's deportation has occurred, the surety shall be fully and  
15 finally discharged and relieved of any and all obligations under the bail undertaking.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

# ACT No. 194

2025 Regular Session

HOUSE BILL NO. 403

BY REPRESENTATIVE TURNER

1 AN ACT

2 To enact R.S. 14:98.1(A)(4), 98.2(A)(5), 98.3(A)(4), 98.4(A)(3), 99(C), and 99.2(F) and  
3 R.S. 32:61(C), 64(D), and 65(G), relative to the imposition of fines for certain  
4 driving offenses; to provide for an increase in fines related to the operation of a  
5 motor vehicle; to provide for the dedication of revenue to the Louisiana Emergency  
6 Response Network Fund; to provide an effective date; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S.14:98.1(A)(4), 98.2(A)(5), 98.3(A)(4), 98.4(A)(3), 99(C), and 99.2(F)  
10 are hereby enacted to read as follows:

11 §98.1. Operating while impaired; first offense; penalties

12 A.

13 \* \* \*

14 (4)(a) In addition to the penalties imposed pursuant to this Section, upon  
15 conviction of a first offense, the offender shall also be fined an additional twenty-  
16 five dollars.

17 (b) Monies collected pursuant to this Paragraph shall be forwarded by the  
18 sheriff to the state treasurer within thirty days of collection.

1                   (c) After allocation to the Bond Security and Redemption Fund as provided  
2                   in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer  
3                   shall deposit the collections into the Louisiana Emergency Response Network Fund  
4                   as established in R.S. 40:2845.

5                                   \*           \*           \*

6                   §98.2. Operating while impaired; second offense; penalties

7                   A.

8                                   \*           \*           \*

9                   (5)(a) In addition to the penalties imposed pursuant to this Section, upon  
10                  conviction of a second offense, the offender shall also be fined an additional fifty  
11                  dollars.

12                  (b) Monies collected pursuant to this Paragraph shall be forwarded by the  
13                  sheriff to the state treasurer within thirty days of collection.

14                  (c) After allocation to the Bond Security and Redemption Fund as provided  
15                  in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer  
16                  shall deposit the collections into the Louisiana Emergency Response Network Fund  
17                  as established in R.S. 40:2845.

18                                  \*           \*           \*

19                  §98.3. Operating while impaired; third offense; penalties

20                  A.

21                                  \*           \*           \*

22                  (4)(a) In addition to the penalties imposed pursuant to this Section, upon  
23                  conviction of a third offense, the offender shall also be fined an additional one  
24                  hundred dollars.

25                  (b) Monies collected pursuant to this Paragraph shall be forwarded by the  
26                  sheriff to the state treasurer within thirty days of collection.

27                  (c) After allocation to the Bond Security and Redemption Fund as provided  
28                  in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer  
29                  shall deposit the collections into the Louisiana Emergency Response Network Fund

as established in R.S. 40:2845.

\* \* \*

§98.4. Operating while impaired; fourth offense; penalties

A.

\* \* \*

(3)(a) In addition to the penalties imposed pursuant to this Section, upon conviction of a fourth or subsequent offense, the offender shall also be fined an additional two hundred fifty dollars.

(b) Monies collected pursuant to this Paragraph shall be forwarded by the sheriff to the state treasurer within thirty days of collection.

(c) After allocation to the Bond Security and Redemption Fund as provided in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer shall deposit the collections into the Louisiana Emergency Response Network Fund as established in R.S. 40:2845.

\* \* \*

§99. Reckless operation of a vehicle

\* \* \*

C.(1) In addition to the penalties imposed pursuant to this Section, upon conviction of the first offense, the offender shall also be fined an additional five dollars.

(2) In addition to the penalties imposed under this Section, upon conviction of a second or subsequent offense, the offender shall also be fined an additional ten dollars.

(3) Monies collected pursuant to this Subsection shall be forwarded by the sheriff to the state treasurer within thirty days of collection.

(4) After allocation to the Bond Security and Redemption Fund as provided in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer shall deposit the collections into the Louisiana Emergency Response Network Fund as established in R.S. 40:2845.

\* \* \*

§99.2. Reckless operation of an off-road vehicle

\* \* \*

F.(1) In addition to the penalties imposed pursuant to this Section, upon conviction the offender shall also be fined an additional five dollars.

(2) Monies collected pursuant to this Subsection shall be forwarded by the sheriff to the state treasurer within thirty days of collection.

(3) After allocation to the Bond Security and Redemption Fund as provided in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer shall deposit the collections into the Louisiana Emergency Response Network Fund as established in R.S. 40:2845.

Section 2. R.S. 32:61(C), 64(D), and 65(G) are hereby enacted to read as follows:

§61. Maximum speed limit

\* \* \*

C.(1) In addition to any penalties imposed pursuant to this Section, upon violation the offender shall be fined an additional five dollars.

(2) Monies collected pursuant to this Subsection shall be forwarded by the sheriff to the state treasurer within thirty days of collection.

(3) After allocation to the Bond Security and Redemption Fund as provided in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer shall deposit the collections into the Louisiana Emergency Response Network Fund as established in R.S. 40:2845.

\* \* \*

§64. General speed law

\* \* \*

D.(1) In addition to the penalties imposed pursuant to this Section, upon violation the offender shall be fined an additional five dollars.

(2) Monies collected pursuant to this Subsection shall be forwarded by the sheriff to the state treasurer within thirty days of collection.

(3) After allocation to the Bond Security and Redemption Fund as provided in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer

shall deposit the collections into the Louisiana Emergency Response Network Fund  
as established in R.S. 40:2845.

§65. Drag racing and racing on public roads and certain property; exemptions

\* \* \*

G.(1) In addition to any penalties imposed pursuant to this Section, upon  
violation the offender shall be fined an additional amount as follows:

(a) Ten dollars for a first offense.

(b) Twenty dollars for a second offense.

(c) Forty dollars for a third offense.

(d) One hundred dollars for a fourth or subsequent offense.

(2) Monies collected pursuant to this Subsection shall be forwarded by the  
sheriff to the state treasurer within thirty days of collection.

(3) After allocation to the Bond Security and Redemption Fund as provided  
in Article VII, Section (9)(B) of the Constitution of Louisiana, the state treasurer  
shall deposit the collections into the Louisiana Emergency Response Network Fund  
as established in R.S. 40:2845.

Section 3. 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 provided 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

# ACT No. 352

2025 Regular Session

HOUSE BILL NO. 310

BY REPRESENTATIVE ZERINGUE

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 253(B)(2) and Code of Criminal  
3 Procedure Article 14.1(B) and to enact Code of Civil Procedure Article 253(B)(3),  
4 relative to civil and criminal court filings; to provide that civil and criminal court  
5 filings shall be filed in person in paper form or electronically; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 253(B)(2) is hereby amended and  
9 reenacted and Code of Civil Procedure Article 253(B)(3) is hereby enacted to read as  
10 follows:

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

12 \* \* \*

13 B.

14 \* \* \*

15 (2) On and after January 1, 2026, all filings as provided in Paragraph A of  
16 this Article and all other provisions of this Chapter filed by an attorney shall only be  
17 filed in person in paper form or transmitted electronically in accordance with a  
18 system established by a clerk of court or by Louisiana Clerks' Remote Access  
19 Authority. The filer shall be responsible for ensuring that private information is not  
20 included in filings. No filing shall include the first five digits of any social security  
21 number, tax identification numbers, state identification numbers, driver's license  
22 numbers, financial account numbers, full dates of birth, or any information protected  
23 from disclosure by state or federal law. The clerk of court shall adopt a system for

the electronic filing and storage of any pleading, document, or exhibit filed with a pleading. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to paper filings.

(3) Notwithstanding the provisions of Subparagraph (B)(2) of this Article, the following original documents may be filed in paper form, either in person, by U.S. mail, or by commercial courier:

(a) An original will or testament filed and retained in accordance with Code of Civil Procedure Article 2911.

(b) An original promissory note, other instrument, or any evidence required to be in authentic form in accordance with Code of Civil Procedure Article 2635.

(c) Motions for default judgment which do not require a hearing in open court pursuant to Code of Civil Procedure Articles 1702 and 1702.1 and supporting attached documentation.

(d) Documents which are required to be original in order to support or defend against a claim.

\* \* \*

Section 2. Code of Criminal Procedure Article 14.1(B) is hereby amended and reenacted to read as follows:

Art. 14.1. Electronic filings

\* \* \*

B. Beginning January 1, 2026, all filings as provided in this Article and all other provisions of this Code filed by an attorney shall only be filed in person in paper form or transmitted electronically in accordance with a system established by a clerk of court or by the Louisiana Clerks' Remote Access Authority. The filer shall be responsible for ensuring that private information is not included in filings. No filing shall include the first five digits of any social security number, tax identification numbers, state identification numbers, driver's license numbers,



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

11 \* \* \*

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

# ACT No. 364

2025 Regular Session

HOUSE BILL NO. 445

BY REPRESENTATIVE VILLIO

## AN ACT

To amend and reenact Children's Code Article 412(M) and R.S. 15:576(2) and 579 and to enact Children's Code Article 412(P) and R.S. 15:589.1, relative to juvenile records; to provide for applicability; to provide relative to what constitutes information or record of criminal history; to provide relative to duties of the Louisiana Bureau of Criminal Identification and Information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 412(M) is hereby amended and reenacted and Children's Code Article 412(P) is hereby enacted to read as follows:

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

\* \* \*

M. Records of juvenile criminal conduct shall not be ~~made a part of any state or local~~ disseminated as a criminal background check to anyone outside of the criminal justice system as defined in R.S. 15:576(5).

\* \* \*

P. This Article shall not prohibit the creation of an interoperable set of criminal justice information systems at the state and local levels pursuant to R.S. 15:575 et seq., or preclude the dissemination of criminal history record information as defined in R.S. 15:576(2) in and to the criminal justice system as defined in R.S. 15:576(5).

Section 2. R.S. 15:576(2) and 579 are hereby amended and reenacted and R.S. 15:589.1 is hereby enacted to read as follows:

§576. Definitions

As used in this Chapter:

\* \* \*

(2) The terms "criminal history record" or "criminal history record information" mean information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, correctional supervision, and release. The terms do not include intelligence or investigatory purposes, nor ~~does it~~ do they include any identification information which does not indicate involvement of the individual in the criminal justice system. ~~The terms do not include records of juvenile criminal conduct.~~

\* \* \*

§579. Rules and regulations

The bureau shall issue rules and regulations, consistent with United States Department of Justice requirements, the Constitution of Louisiana, the Code of Criminal Procedure, the Children's Code, and the Louisiana Revised Statutes of 1950, governing the maintenance of privacy and security of criminal history records and records of juvenile criminal conduct; governing access to and use of records maintained by the central repository; governing restrictions to access and use by authorized agencies or individuals of any state owned or operated system of communications utilized for transmitting criminal history record information to or from the bureau; and governing the purging of any information maintained by the bureau as permitted by law. Records of juvenile criminal conduct shall not be ~~made a part of any state or local~~ disseminated as a criminal background check to anyone outside of the criminal justice system as defined in R.S. 15:576(5).

\* \* \*

- 1           §589.1. Handling of information; juvenile criminal conduct
- 2                   Any information on juvenile criminal conduct obtained by the bureau under
- 3           this Title shall be handled in accordance with the provisions of Children's Code
- 4           Articles 412, 414, and 917 through 926 and shall be made available pursuant to such
- 5           provisions. Such access and use shall include an audit trail to maintain the integrity
- 6           of the records and ensure accountability. Such trail shall include all of the following:
- 7                   (1) Who accessed the system.
- 8                   (2) When the system was accessed.
- 9                   (3) What actions were performed during access.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2025 Regular Session

# ACT No. 370

HOUSE BILL NO. 479

BY REPRESENTATIVES MANDIE LANDRY, BACALA, BOYD, BOYER, BRASS, BRAUD, BRYANT, BUTLER, CARLSON, COATES, COX, DEWITT, DOMANGUE, EDMONSTON, EGAN, FREEMAN, FREIBERG, HILFERTY, HORTON, HUGHES, JORDAN, KERNER, KNOX, LAFLEUR, LARVADAIN, LYONS, MACK, MARCELLE, MELERINE, MOORE, NEWELL, OWEN, PHELPS, ROMERO, SPELL, STAGNI, TAYLOR, THOMPSON, VILLIO, WALTERS, WYBLE, AND ZERINGUE

1 AN ACT

2 To enact R.S. 15:715 and R.S. 46:1847 and 1848, relative to the creation of a comprehensive  
3 victims' services system; to provide for a Crime Victims' Bill of Rights; to provide  
4 for victim notification; to provide for definitions; to provide for legislative findings;  
5 to provide certain rights to crime victims, witnesses, and family members; to provide  
6 for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:715 is hereby enacted to read as follows:

9 §715. Reporting of escapes from parish prison facilities and jails

10 A. The sheriff, the highest ranking employee of the sheriff's office, or the  
11 person acting on behalf of the sheriff who is physically present at and in charge of  
12 the parish prison or jail at the time of an escape from that facility shall immediately  
13 notify or take necessary steps to ensure that notification is provided to every law  
14 enforcement agency and local media outlet after receiving notification that an inmate  
15 has escaped from or left the premises of the facility without authority. Such notice  
16 shall be provided by the most reasonable and expedient means available.

1           B.(1) The sheriff, his designee, or the highest ranking employee of the  
2           sheriff's office shall immediately notify any known witnesses and the victim of the  
3           crime for which the escaped inmate was imprisoned. Such notice shall be provided  
4           by the most reasonable and expedient means available.

5           (2) If the inmate is recaptured, the sheriff, his designee, or the highest  
6           ranking employee of the sheriff's office shall send notice to the persons and entities  
7           designated in this Section as soon as possible but in no event not later than one  
8           working day after the sheriff learns of such recapture.

9           C. As used in this Section, the following terms shall have the following  
10          meanings:

11          (1) "Law enforcement agency" means the Department of Public Safety and  
12          Corrections, office of public safety services and office of state police, and all police  
13          departments in the parish.

14          (2) "Local media outlet" means a local news service, including but not  
15          limited to a print, broadcast, or online platform.

16          Section 2. R.S. 46:1847 and 1848 are hereby enacted to read as follows:

17          §1847. Comprehensive victims' services system; legislative findings; intent; purpose

18          A. The legislature hereby recognizes that the State of Louisiana has created  
19          numerous rights and duties to be afforded to crime victims, witnesses, and designated  
20          family members. The legislature further recognizes the challenges of fulfilling those  
21          rights and duties through numerous law enforcement and other state and local  
22          entities.

23          B. Accordingly, the legislature hereby finds and declares that, in order to  
24          ensure to the greatest extent possible that the rights and duties afforded to crime  
25          victims and witnesses are upheld, the state of Louisiana is committed to the creation,  
26          consolidation, and coordination of a comprehensive victims' services system. This  
27          system shall provide the information and services described in the Crime Victims'  
28          Bill of Rights and R.S. 46:1844 to crime victims and witnesses at all relevant points  
29          throughout the life cycle of a case moving through the criminal justice system in a  
30          timely, consistent, and easily understandable manner. This system shall be created

1       and administered by the Department of Public Safety and Corrections (the  
2       department), which shall coordinate with and provide assistance to prosecutors and  
3       law enforcement agencies utilizing the systems, processes, standards, and guidelines  
4       implemented by the department. The department shall create this system in  
5       conjunction with the Integrated Criminal Justice Information System Policy Board  
6       (ICJIS) and all such component parts of this system shall be created in conformity  
7       with the requirements set forth in R.S. 15:1228.10. The system shall be created and  
8       in operation no later than July 1, 2026.

9               C. The legislature recognizes that the creation and implementation of a  
10       comprehensive victims' services system requires the input, coordination, and  
11       cooperation of relevant stakeholders responsible for providing services to crime  
12       victims and witnesses and urges relevant stakeholders to work collaboratively to  
13       create and implement this comprehensive victims' services system as expeditiously  
14       as possible.

15       §1848. Crime Victims' Bill of Rights

16               A.(1) The legislature hereby finds and declares the urgent need to establish  
17       a comprehensive Crime Victims' Bill of Rights. A bill of rights, written in plain  
18       language and collected in one place, is vital for crime victims, witnesses, and  
19       designated family members to be able to know and understand the rights and duties  
20       to which the state of Louisiana affords to them and to ensure that they receive the  
21       support, protection, and justice that they deserve.

22               (2) Subsection C of this Section shall be known and may be cited as the  
23       "Crime Victims' Bill of Rights".

24               B.(1) Notwithstanding any other provision of law to the contrary, nothing in  
25       this Section shall be construed to negate, impair, diminish, or limit any other rights  
26       or duties afforded to crime victims, witnesses, and designated family members in any  
27       other provision of law.

28               (2) Notwithstanding any other provision of law to the contrary, a defendant  
29       or person accused or convicted of a crime for which a crime victim, witness, or  
30       designated family member is afforded any rights or duties within this Section does

1        not have standing to seek to have their conviction or sentence set aside for any  
2        violation of the Crime Victims' Bill of Rights.

3                C. A crime victim or designated family member, as defined in this Chapter,  
4        shall have the following rights:

5                (1) The right to receive emergency, social, or medical services as soon as  
6        possible and to receive a Victim Notice and Registration Form from law enforcement  
7        as provided in R.S. 46:1844(A)(1).

8                (2) The right to be notified of the following: the defendant's arrest, release  
9        on recognizance, posting of bond, release pending charges being filed or due to  
10       rejection of charges by the prosecutor, escape, or re-apprehension as provided in R.S.  
11       46:1844(A)(3) and (Z).

12               (3) The right to receive advance notification of, and to be present for, judicial  
13       proceedings or probation hearings as provided in R.S. 46:1844(B).

14               (4) The right, subject to reasonable efforts by the prosecutor prior to trial, to  
15       be interviewed by the prosecutor regarding the facts of the case and requests for  
16       restitution as provided in R.S. 46:1844(C).

17               (5) The right for such interviews to be conducted in a private setting, with  
18       access if requested to a victim advocate, social worker, or psychologist for support  
19       as provided in R.S. 46:1844(C).

20               (6) The right to refuse requests for interviews with the defense attorney as  
21       provided in R.S. 46:1844(C)(3).

22               (7) The right to retain the victim's or designated family member's own legal  
23       counsel for discussions with the district attorney and judicial agencies as provided  
24       in R.S. 46:1844(D)(1).

25               (8) The right to request, orally or in writing, a conference with the  
26       prosecutor's office to discuss the disposition of the case by dismissal, plea, or trial,  
27       the use of sentencing alternatives, and requests for payment of restitution to the  
28       victim as provided in R.S. 46:1844(D)(2).



1           (9) The right to assistance in informing employers that the participation of  
2           the victim and designated family member in the prosecution of the case may  
3           necessitate absence from work as provided in R.S. 46:1844(E).

4           (10) The right to be notified of scheduling changes as provided in R.S.  
5           46:1844(F).

6           (11) The right to a secure waiting area during court proceedings away from  
7           the defendant or the family of the defendant as provided in R.S. 46:1844(G).

8           (12) The right to review and comment on pre-sentence or post-sentence  
9           reports as provided in R.S. 46:1844(H).

10          (13) The right to protection by all rules and laws governing criminal  
11          procedure and the admissibility of evidence applicable to criminal proceedings as  
12          provided in R.S. 46:1844(I).

13          (14) The right to a speedy disposition and prompt and final conclusion of the  
14          case after conviction and sentencing as provided in R.S. 46:1844(J).

15          (15) The right to be present and heard at all critical stages of the proceedings,  
16          including the right to make a written or oral victim impact statement as provided in  
17          R.S. 46:1844(K)(1).

18          (16) The right to request that the victim impact statement be sealed for  
19          privacy concerns as provided in R.S. 46:1844(K)(2).

20          (17) The right to be provided with notice from the court of the minimum and  
21          maximum sentence allowed by law and the opportunity to comment on the proposed  
22          sentence as provided in R.S. 46:1844(K)(3).

23          (18) The right to have property of the victim returned as provided in R.S.  
24          46:1844(L).

25          (19) The right to seek restitution or payment from the defendant to the victim  
26          or the family of the victim, with no court filing fees as provided in R.S. 46:1844(M).

27          (20) For death penalty cases, the right to notification of execution details and  
28          the right to be present as provided in R.S. 46:1844(N).

29          (21) For death penalty cases, the right to not be contacted by the offender or  
30          supporters or representatives of the offender as provided in R.S. 46:1844(Y).

1                   (22) The right to be notified of a parole hearing and to make written or oral  
2                   victim impact statements, including proposed contact and proximity restrictions that  
3                   may be included as parole conditions, for the protection of the victim as provided in  
4                   R.S. 46:1844(O).

5                   (23) The right to confidentiality, and to prevent the release of the name,  
6                   address, contact information or identity of the victim, if the victim is a minor, victim  
7                   of a sex offense, or victim of a human trafficking offense as provided in R.S.  
8                   46:1844(W).

9                   (24) For all victims of violent crime, the right to request and obtain a copy  
10                  of their initial police report at no cost to them as provided in R.S. 46:1844(X).

11                  D. A witness or a designated family member, as defined in this Chapter,  
12                  shall have the following rights:

13                  (1) The right to receive emergency, social, or medical services as soon as  
14                  possible and to receive a Victim Notice and Registration Form from law enforcement  
15                  as provided in R.S. 46:1844(A)(1).

16                  (2) The right to be notified of the following: release, discharge of sentence,  
17                  escape, or reapprehension as provided in R.S. 46:1844(N)(2) and (3).

18                  (3) The right to assistance in informing employers that the participation of  
19                  the witness or designated family member in the prosecution of the case may  
20                  necessitate absence from work as provided in R.S. 46:1844(E).

21                  (4) The right to be notified of scheduling changes as provided in R.S.  
22                  46:1844(F).

23                  (5) The right to a secure waiting area during court proceedings away from  
24                  the defendant or the family of the defendant as provided in R.S. 46:1844(G).

25                  Section 2. The office of the governor shall prepare a printable version of the Crime  
26                  Victims' Bill of Rights as set forth above for public consumption.

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

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2025 Regular Session

# ACT No. 393

HOUSE BILL NO. 675 (Substitute for House Bill No. 572 by Representative Glorioso)

BY REPRESENTATIVES GLORIOSO, BACALA, CARRIER, COATES, COX, CREWS,  
DICKERSON, EDMONSTON, EMERSON, FIRMENT, HORTON, MIKE  
JOHNSON, MCMAKIN, SCHLEGEL, VILLIO, AND WILDER

## AN ACT

To amend and reenact Code of Criminal Procedure Articles 926(B) and (E), 926.2(A) and (B)(2) and (3)(introductory paragraph), 927, 930(A) and (C), 930.2, 930.4(article heading), (A), and (D) through (G), 930.5, 930.6(B), 930.8(A)(introductory paragraph) and (2) through (4) and (B) through (E) and R.S. 15:178, to enact Code of Criminal Procedure Articles 924(5) and (6), 926(F) and (G), 926.4, 927.1, 930.4(H), 930.8(F), 930.11, and R.S. 15:169(C), and to repeal Code of Criminal Procedure Articles 928, 930.6(C), and 930.10, relative to post conviction relief; to provide for procedures; to provide for definitions; to provide for appeals; to provide for applications; to provide for motions; to provide for summary disposition; to provide for judgments; to provide for grounds for relief; to provide relative to claims; to provide for duties of the court, district attorney, attorney general, and petitioner; to provide for time periods; to provide relative to time limitations; to provide for burden of proof; to provide relative to a writ of mandamus; to provide for the appointment of counsel in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 926(B) and (E), 926.2(A) and (B)(2) and (3)(introductory paragraph), 927, 930(A) and (C), 930.2, 930.4(article heading), (A), and (D) through (G), 930.5, 930.6(B), 930.8(A)(introductory paragraph) and (2) through (4) and (B) through (E) are hereby amended and reenacted and Code of Criminal Procedure Articles

924(5) and (6), 926(F) and (G), 926.4, 927.1, 930.4(H), 930.8(F), and 930.11 are hereby enacted to read as follows:

Art. 924. Definitions

As used in this Title:

\* \* \*

(5) "Post conviction relief" means a procedure that allows an individual who has been convicted of a crime in this state to challenge the legality of his confinement. It is a form of post conviction habeas corpus and is a collateral action to test the detention of a criminal defendant after his sentence and conviction have become final.

(6) "Shell petition" means a petition that does not contain fully briefed claims for relief.

\* \* \*

Art. 926. Petition

\* \* \*

B. The petition shall allege all of the following:

(1) The name of the person in custody and the place of custody, if known, or if not known, a statement to that effect;

(2) That the person is actually in custody, and the name of the place of custody, if known.

~~(2)~~ (3) The name of the custodian, if known, or if not known, a designation or description of him as far as possible;

~~(3)~~ (4) A statement of the grounds upon which relief is sought, alleged in good faith and specifying with reasonable particularity the factual basis for such relief;

~~(4)~~ (5) A statement of all prior applications for writs of habeas corpus or for post conviction relief filed by or on behalf of the person in custody in connection with his present custody; ~~and~~

~~(5)~~ (6) All errors known or discoverable by the exercise of due diligence.

\* \* \*

E. The petition and any successive petitions shall be served upon both the attorney general and the district attorney for the parish where the defendant was convicted.

F.(1) An individual shall be eligible for post conviction relief if he meets both of the following:

(a) He is currently serving a sentence of imprisonment or is on probation or parole pursuant to a conviction.

(b) He is in actual custody or under supervision of the division of probation  
and parole.

(2) An application for post conviction relief filed after the petitioner has  
completed his sentence shall be dismissed.

(3) Any claim alleged in an application that is procedurally barred or is  
frivolous on its face shall be dismissed.

E. G. Inexcusable failure of the petitioner to comply with the provisions of this Article may be a basis for dismissal of his application.

\* \* \*

### Art. 926.2. Factual innocence

A. A petitioner who has been convicted of an offense may seek post conviction relief on the grounds that he is factually innocent of the offense for which he was convicted. A petitioner's first claim of factual innocence pursuant to this Article that would otherwise be barred from review on the merits by the time limitation provided in Article 930.8 or the procedural objections provided in Article 930.4 shall not be barred if the claim is contained in an application for post conviction relief filed on or before December 31, 2022, and if the petitioner was convicted after a trial completed to verdict. This exception to Articles 930.4 and 930.8 shall apply only to the claim of factual innocence brought under this Article and shall not apply to any other claims raised by the petitioner. An application for post conviction relief filed pursuant to this Article by a petitioner who pled guilty before August 1, 2025, or nolo contendere to the offense of conviction or filed by any petitioner after December 31, 2022, shall be subject to Articles 930.4 and 930.8.

A petitioner who pled guilty to the offense of conviction on or after August 1, 2025,  
shall not be entitled to assert a claim of factual innocence.

B.

\* \* \*

(2) A recantation of prior sworn testimony may be considered if corroborated by the evidence required by Subsubparagraph (1)(a) of this Paragraph. However, a recantation of prior sworn testimony cannot form the sole basis for relief pursuant to this Article, and shall not be sufficient to overcome the presumption of a valid conviction.

(3) If the petitioner pled guilty before August 1, 2025, or nolo contendere to the offense of conviction, in addition to satisfying all of the criteria in this Paragraph and in any other applicable provision of law, the petitioner shall show both of the following to prove entitlement to relief:

\* \* \*

Art. 926.4. Privilege waiver

By raising any claim of ineffective assistance of counsel, the defendant waives the attorney-client privilege as to any information necessary to allow the state to rebut the claim.

Art. 927. Procedural Action required after filing of application; procedural  
objections; answer

A.(1) The court shall conduct a preliminary review of all petitions for post conviction relief for compliance with the limitations for relief established in this Chapter. In conducting its review of the application, the court shall consider, among other things, all of the following:

(a) Whether the petitioner was in custody at the time the application for post-conviction relief was filed.

(b) Whether the application is timely pursuant to Article 930.8.

(c) Whether the application states adequate factual or legal grounds for  
relief.

1                   (d) Whether the application states legal grounds for relief that are not  
2                   meritorious.

3                   (e) Whether the application states factual grounds which, if established, do  
4                   not entitle the petitioner to relief.

5                   (f) Whether the application states factual grounds that, if true, entitle the  
6                   petitioner to relief but are so contradicted by the court record that the court is  
7                   satisfied that the factual allegations are untrue.

8                   (g) Whether each claim in the application is procedurally barred or frivolous  
9                   on its face.

10                  (2) If it is evident from the petition and any attached exhibits that the  
11                  petitioner is not entitled to relief, the court shall dismiss the application. If the  
12                  application is not dismissed, the judge shall order an answer pursuant to Paragraph  
13                  B of this Article. The fact that the court has not dismissed the application upon  
14                  preliminary review shall not preclude the district attorney or the attorney general  
15                  from subsequently raising objections on any of the grounds listed in Subparagraph  
16                  (1) of this Paragraph or any other grounds provided by law.

17                  A. B. If an application ~~alleges a claim which, if established, would entitle the~~  
18                  ~~petitioner to relief~~ is not dismissed pursuant to Paragraph A of this Article, the court  
19                  shall order the custodian, through the district attorney in the parish in which the  
20                  defendant was convicted, to file any procedural objections he may have, or an  
21                  answer on the merits if there are no procedural objections, within a specified period  
22                  not in excess of ~~thirty~~ sixty days. If the district attorney waives or does not file  
23                  procedural objections, the response shall be provided to the attorney general  
24                  concurrent with filing. The court's order shall include a copy of the application for  
25                  post conviction relief and the attorney general shall have thirty days to file  
26                  objections. If procedural objections are ~~timely~~ filed by the district attorney or the  
27                  attorney general, no answer on the merits of the claim ~~nor any hearing on the merits~~  
28                  ~~may~~ shall be ordered until such objections have been considered and rulings thereon  
29                  have become final.



1           ~~B. C.~~ In any order of the court requiring a response by the district attorney  
2           or attorney general pursuant to this Article, the court shall render specific rulings  
3           dismissing any claim which, if established as alleged, would not entitle the petitioner  
4           to relief, and shall order a response only as to such claim or claims which, if  
5           established as alleged, would entitle the petitioner to relief.

6           ~~C. D.~~ If the court orders an answer filed, the court need not order production  
7           of the petitioner except as provided in Article 930.

8           E. Subject to the provisions of Article 930.4(F), if the application is  
9           successive or supplemental to a previous application, the court shall send notice to  
10          the attorney general.

11          F. If the court has determined that the application cannot be summarily  
12          dismissed, the court shall determine after an answer is filed whether an evidentiary  
13          hearing is necessary and shall set a status conference within sixty days.

14          Art. 927.1. Abandonment of application

15          A. After filing an application for post conviction relief, the petitioner is  
16          responsible for seeking a ruling on his application and pursuing his claims. Failure  
17          to actively seek a ruling on an application for post conviction relief after it has been  
18          filed shall constitute abandonment of the application, resulting in the dismissal of the  
19          application.

20          B. An application for post conviction relief shall be deemed to be abandoned  
21          when the petitioner fails to file any pleading in furtherance of disposition of the  
22          application for a period of two years following the filing of the application,  
23          irrespective of the stage of the proceedings.

24          C. This Article shall be operative without a formal order when an  
25          abandonment of an application pursuant to Paragraph B has occurred. On ex parte  
26          motion of the district attorney or the attorney general, accompanied by an affidavit  
27          that states that action has not been timely taken, the court shall enter a formal order  
28          of dismissal as of the date of the application's abandonment.

29          D. If the petitioner has a shell petition pending as of July 1, 2025, he shall  
30          submit a fully-briefed petition to the court no later than July 1, 2026, unless a shorter

1 period of time has been established by the court. Any application for post conviction  
2 relief filed before July 1, 2023, shall be dismissed, set for a hearing, or otherwise  
3 adjudicated no later than July 1, 2026, unless the court has good cause to establish  
4 a later date, provided however that the claims shall be fully adjudicated no later than  
5 January 1, 2027. The district attorney or the attorney general shall have a right to  
6 seek mandamus to enforce this Paragraph.

7 E. For the purposes of this Article, "pleading in furtherance of disposition  
8 of the application" means a filing that seeks the trial court's ruling on the merits of  
9 the application or a claim asserted therein, such as a motion to set the case on the  
10 docket, a motion seeking an order, or an application for writ of mandamus seeking  
11 a ruling on the application.

12 \* \* \*

13 Art. 930. Evidentiary hearing

14 A. An evidentiary hearing for the taking of testimony or other evidence shall  
15 be ordered within the time period provided in Article 930.11 whenever there are  
16 questions of fact which cannot properly be resolved pursuant to Articles 928 and  
17 929. The petitioner, in absence of an express waiver, is entitled to be present at such  
18 hearing, unless the only evidence to be received is evidence as permitted pursuant  
19 to ~~Subsection~~ Paragraph B of this Section Article, and the petitioner has been or will  
20 be provided with copies of such evidence and an opportunity to respond thereto in  
21 writing.

22 \* \* \*

23 C. No evidentiary hearing on the merits of a claim shall be ordered or  
24 conducted, nor shall any proffer of evidence be received over the objection of the  
25 respondent, and no ruling upon procedural objections to the petition shall purport to  
26 address the merits of the claim over the objection of the respondent, unless the court  
27 has first ruled upon all procedural objections raised by the respondent within the time  
28 period provided in Article 930.11, and such rulings have become final. Any  
29 language in a ruling on procedural objections raised by the respondent which

purports to address the merits of the claim shall be deemed as null, void, and of no effect.

\* \* \*

Art. 930.2. Burden of proof

The petitioner in an application for post conviction relief shall have the burden of proving that relief should be granted. The state has no burden of proof in a post conviction relief proceeding.

\* \* \*

Art. 930.4. ~~Repetitive~~ Jurisdictional bars to relief; repetitive applications

A. ~~Unless required in the interest of justice, any~~ Any claim for relief which was fully litigated in an appeal from the proceedings leading to the judgment of conviction and sentence shall not be considered.

\* \* \*

D. If the application alleges a claim seeking to apply a new rule of criminal procedure that has been held by the United States Supreme Court and the Louisiana Supreme Court to be non-retroactive, the court shall deny relief.

E. A successive application shall be dismissed if it fails to raise a new or different claim.

~~E.~~ F. A successive application shall be dismissed if it raises a new or different claim that was inexcusably omitted from a prior application.

~~F.~~ G. 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 subsequent, successive, amending, or supplemental application ~~filed after the first application for post conviction relief~~ shall be served by the petitioner on the district attorney and the attorney general. If the court subsequently orders any hearing on the application, the court shall send notice to the district attorney and attorney general at least sixty days in advance of the hearing on the application. Both the district attorney and the attorney general shall have a right to suspensively appeal any order granting relief date.

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

## Art. 930.5. Custody pending retrial; bail

A. If a court grants relief under an application for post conviction relief, the court shall order that the petitioner be held in custody pending a new trial if it appears that there are legally sufficient grounds upon which to reprosecute the petitioner.

B. In such a case, the petitioner shall be entitled to bail on the offense as though he has not been convicted of the offense.

## Art. 930.6. Review of trial court judgments

\* \* \*

~~B. If a statute or ordinance is declared unconstitutional, the state may appeal to the supreme court. If relief is granted on any other ground, the state may invoke the supervisory jurisdiction of the court of appeal.~~

~~C. Pending the state's application for writs, or pending the state's appeal, the district court or the court of appeal may stay the judgment granting relief. The district attorney and the attorney general shall have a right to suspensively appeal any order granting post conviction relief.~~

\* \* \*

### Art. 930.8. Time limitations; exceptions; prejudicial delay

A. No application for post conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under the provisions of Article 914 or 922, unless any of the following apply:

\* \* \*

(2)(a) Facts that were known to any attorney for the petitioner shall be presumed to have been known by the petitioner unless the petitioner rebuts this presumption by clear and convincing evidence. Facts that were contained in the record of the court proceedings concerning the conviction challenged in the

1        application shall be deemed to have been known by the petitioner. The provisions of  
 2        this Subparagraph are applicable if the petitioner proves both of the following:

3                (i) That the petitioner exercised due diligence in attempting to discover any  
 4        post conviction claims or facts upon which any claims may be based.

5                (ii) That exceptional circumstances exist, the interest of justice will be served  
 6        by consideration of the claim based upon the previously unknown facts, and the  
 7        newly discovered facts in support of the claim are sufficiently compelling that  
 8        manifest injustice will result if the claim is not considered.

9                (b) The petitioner shall have the burden of proving the provisions of this  
 10        Subsubparagraph by clear and convincing evidence.

11                ~~(2)~~ (3) The claim asserted in the petition is based upon a final ruling of an  
 12        appellate court establishing a theretofore unknown interpretation of constitutional  
 13        law and petitioner establishes that this interpretation is retroactively applicable to his  
 14        case, and the petition is filed within one year of the finality of such ruling.

15                ~~(3)~~ (4) The application would already be barred by the provisions of this  
 16        Article, but the application is filed on or before ~~October 1, 2001~~ August 1, 2027, and  
 17        the date on which the application was filed is within ~~three~~ two years after the  
 18        judgment of conviction and sentence has become final.

19                ~~(4) The person asserting the claim has been sentenced to death.~~

20                                \*           \*           \*

21                B.(1) When the petitioner has been sentenced to death, all appellate review  
 22        of post-conviction relief applications, including supervisory review of  
 23        post-conviction relief applications, shall be filed directly with the Louisiana Supreme  
 24        Court.

25                (2) When an execution warrant has been issued, any application for  
 26        post-conviction relief that contains a new claim, pleading, or other legal matter shall  
 27        be filed no later than forty-five days prior to the execution date of the petitioner. A  
 28        ruling on such application shall be issued no later than twenty-one days prior to the  
 29        execution date of the petitioner. The exclusive means of review shall be a writ

application filed directly with the Louisiana Supreme Court within seven days of the ruling on the application.

B: C. An application for post conviction relief which is timely filed, or which is allowed under an exception to the time limitation as set forth in Paragraph A of this Article, shall be dismissed upon a showing by the state of prejudice to its ability to respond to, negate, or rebut the allegations of the petition caused by events not under the control of the state which have transpired since the date of original conviction, if the court finds, after a hearing limited to that issue, that the state's ability to respond to, negate, or rebut such allegations has been materially prejudiced thereby. When the petitioner fails to timely seek a hearing that is allowed by law or fails to pursue claims for a period of two years after filing an application, the delay caused by inaction shall be presumed as prejudicial. The petitioner shall bear the burden of rebutting the presumption of prejudice. A final judgment dismissing an application based upon prejudice shall be a final adjudication of state post conviction claims in the application for purposes of exhaustion of state court remedies and federal habeas corpus proceedings.

€ D. At the time of sentencing, the trial court shall inform the defendant of the prescriptive period for post-conviction relief either verbally or in writing. If a written waiver of rights form is used during the acceptance of a guilty plea, the notice required by this Paragraph may be included in the written waiver of rights.

~~Ð.~~ E. 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.~~ F. 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.

\* \* \*

Art. 930.11. Time delays applicable to this Title; writ of mandamus

A. The court of appropriate jurisdiction shall adhere to the following time  
periods in post conviction proceedings:

1           (1) The court shall conduct the preliminary review provided in Article 927  
2           within thirty days of the filing of application.

3           (2) When ruling on procedural objections that have been filed pursuant to  
4           Article 927, the court shall issue its ruling within thirty days of receipt of such  
5           objections.

6           (3) If the court determines that no evidentiary hearing is necessary, it shall  
7           issue its ruling on the merits of any remaining claim alleged in the application within  
8           thirty days of the state's answer on the merits.

9           (4) When the court determines that there are questions of fact which cannot  
10          properly be resolved pursuant to Article 929, it shall conduct an evidentiary hearing  
11          provided in Article 930 within one hundred eighty days of such determination and  
12          issue a ruling on the merits of any remaining claim within thirty days following the  
13          conclusion of such hearing.

14          B. The district attorney and the attorney general shall adhere to the following  
15          time periods in post conviction proceedings:

16               (1) The district attorney shall have sixty days to file procedural objections  
17               pursuant to Article 927.

18               (2) If an answer is required, the district attorney shall have sixty days from  
19               the court's ruling on procedural objections to file an answer on the merits pursuant  
20               to Article 927.

21               (3) The attorney general shall have thirty days to file procedural objections  
22               pursuant to Article 927 if the district attorney waives such objections.

23          C. A petitioner who has been sentenced to death shall only seek supervisory  
24          review directly from the Louisiana Supreme Court.

25          D. If a petitioner invokes the supervisory jurisdiction of the Louisiana  
26          Supreme Court, the supreme court shall rule on an application for a writ of review  
27          within one hundred eighty days of receipt. If there is an active death warrant, the  
28          court shall issue a ruling prior to the effective date of that warrant.

29          E. The state or petitioner shall have the right to seek a writ of mandamus to  
30          compel a court to issue a requested ruling within a specified period not to exceed

1        thirty days if that court has not issued a ruling within the deadlines provided in this  
2        Chapter. The reviewing court may order the lower court to submit a per curiam  
3        opinion to the reviewing court with an explanation regarding why the lower court has  
4        not issued a ruling within the deadlines provided in this Chapter.

5                F.(1) Upon the motion of either party, any deadline set forth in this Title,  
6        except for the deadline for filing applications for post-conviction relief set forth in  
7        Article 930.8, may be extended by the court subject to the requirements of this  
8        Section.

9                (2) Any motion for an extension of time filed by either party shall be filed not  
10        later than seven days prior to the deadline sought to be extended and shall be served  
11        on all parties and the court by any method allowed by law.

12               (3) Any motion for an extension of time granted by the court pursuant to this  
13        Section shall not exceed sixty days in length, and in no case shall either party be  
14        allowed more than three extensions of time.

15               (4) Each party's first motion for an extension of time may be granted by the  
16        court without a contradictory hearing.

17               (5) After a party's first motion for an extension of time has been granted, any  
18        subsequent motion for an additional extension of time by the same mover shall  
19        require a contradictory hearing. Following the contradictory hearing, the court may  
20        only grant the motion upon a showing by the mover that extraordinary circumstances  
21        outside of the control of the moving party exist that necessitate the requested  
22        extension of time.

23        Section 2. R.S. 15:178 is hereby amended and reenacted and R.S. 15:169(C) is  
24        hereby enacted to read as follows:

25               §169. Representation of capital defendants

26                                \*           \*           \*

27               C. If in any fiscal year the state public defender determines, based on a  
28        review of pending litigation of post-conviction relief applications for capital cases,  
29        that insufficient funds exist to provide counsel for these cases; he may request  
30        supplemental funding, on a case by case basis, from the Joint Legislative Committee



on the Budget be distributed from the Overcollections Fund. The state public defender and the attorney general shall each submit a report to the committee prior to it taking action on a request.

\* \* \*

§178. Appointment of appellate and post-conviction counsel in death penalty case

In a capital case in which the trial counsel was provided to an indigent defendant and in which the jury imposed the death penalty, the court, ~~after~~ within thirty days of the imposition of the sentence of death, shall ~~appoint~~ order the office; ~~which shall promptly cause~~ of the state public defender to have enrolled ~~counsel to~~ represent the defendant on at least one attorney for direct appeal and ~~in any~~ at least one separate attorney for state ~~post-conviction~~ post conviction proceedings, if appropriate.

Section 3. Code of Criminal Procedure Articles 928, 930.6(C), and 930.10 are hereby repealed in their entirety.

Section 4. The Louisiana State Law Institute is hereby authorized and directed to renumber the subparagraphs of Code of Criminal Procedure Article 924 so as to properly place Code of Criminal Procedure Article 924(5) and (6) as enacted by this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_