
DIGEST

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HB 106 Reengrossed

2021 Regular Session

Carpenter

Abstract: Provides relative to the duties of the court and defense counsel when a defendant pleads guilty or nolo contendere in felony cases.

Present law provides that the court shall not accept a plea of guilty or nolo contendere without first addressing the defendant personally in open court and informing him of, and determining that he understands, certain things including but not limited to: the nature of the charges against him and the penalties for such offense; that he has a right to be represented by an attorney at every stage of the proceeding against him; and that if he pleads guilty or nolo contendere, he waives his right to a trial, right to confront evidence, and the right to be free of self-incrimination.

Proposed law provides that the defendant is also informed that he may be subject to additional consequences as a result of his plea of guilty or nolo contendere.

Proposed law requires the court or defense counsel to inform the defendant regarding all of the following:

- (1) Potential deportation, if applicable.
- (2) Voting rights.
- (3) Firearm rights.
- (4) Due process rights.
- (5) Equal protection rights.

Proposed law permits the court or defense counsel to inform the defendant of the additional or potential consequences including:

- (1) College admissions and financial aid.
- (2) Public housing benefits.
- (3) Employment and licensing restrictions.
- (4) Habitual offender sentencing.

(5) Probation and parole revocation standard of proof.

Proposed law provides that failure to adhere to proposed law shall not be considered an error, defect, irregularity, or variance affecting the rights of the accused and does not constitute grounds for reversal pursuant to present law.

Proposed law specifies that utilizing a form that conveys information to the client as provided by proposed law shall constitute prima facie evidence that the content was conveyed and understood.

(Adds C.Cr.P. Art. 556.1(A)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Specify that failure to adhere to proposed law shall not be considered to affect the rights of the accused and does not constitute grounds for reversal pursuant to present law.

The House Floor Amendments to the engrossed bill:

1. Specify that utilizing a form that conveys information to the client as provided by proposed law shall constitute prima facie evidence that the content was conveyed and understood.