

2018 Regular Session

SENATE BILL NO. 39

BY SENATOR BISHOP

CRIMINAL PROCEDURE. Provides that any reference to an attorney made by a criminal suspect constitutes an invocation of the right to counsel. (8/1/18)

1 AN ACT
2 To amend and reenact Code of Criminal Procedure Article 218.1, relative to the duty to
3 advise a criminal suspect of the reasons for arrest and the right to counsel; to provide
4 that any reference to an attorney made by a suspect during interrogation is deemed
5 to be an invocation of the right to counsel; to provide relative to legislative intent;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 218.1 is hereby amended and
9 reenacted to read as follows:

10 Art. 218.1. ~~Advice~~ **Duty to advise criminal suspect** of reasons for arrest or
11 detention and of **the suspect's** rights

12 **(A)** When any person has been arrested or detained in connection with the
13 investigation or commission of any offense, he shall be advised fully of the reason
14 for his arrest or detention, his right to remain silent, his right against self
15 incrimination, his right to the assistance of counsel and, if indigent, his right to court
16 appointed counsel.

17 **(B) When any person arrested or detained in connection with the**

