
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

SB 39 Original

DIGEST
2018 Regular Session

Bishop

Present law provides that when any person has been arrested or detained in connection with the investigation or commission of any offense, the person is to be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel.

Proposed law retains present law and adds that when any person arrested or detained in connection with the investigation or commission of any offense is being interrogated, interviewed, or otherwise questioned by a law enforcement officer or district attorney, any reference made by the person to an "attorney", "lawyer", "counsel", or substantially similar term, will be deemed an invocation of the right to assistance of counsel, and the interrogation must cease until such time as the person obtains counsel or counsel is appointed for the person.

Proposed law provides that the provisions of proposed law are intended to legislatively overrule the La. Supreme Court's decision in *State of Louisiana v. Warren Demesme*, 2017-KK-0954 (Sup.Ct. 10/27/17), to the extent that the court held that a criminal suspect's statement "...why don't you just give me a lawyer dog..." did not constitute an invocation of the right to counsel.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 218.1)