
DIGEST

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HB 343 Original

2024 Regular Session

Bacala

Abstract: Provides for time standards in which certain criminal cases are to be adjudicated to completion.

Proposed law shall be cited and referred to as the "Timely Delivery of Justice Act".

Proposed law provides for the adoption of the Model Time Standards for State Trial Courts as created by the National Center for State Courts in 2011.

Proposed law provides that by Jan. 1, 2025, the La. Supreme Court shall adopt such rules as necessary for the implementation of these standards, subject to approval by the House Committee on Judiciary and the Senate Committee on Judiciary C.

Proposed law defines the term "time standards" to mean the temporal length of a criminal case from its commencement on the date that a bill of information, indictment, or affidavit is filed through its conclusion on the date of adjudication.

Proposed law provides in cases where the offense charged is a felony, the time standards shall be as follows:

- (1) 75% of felony cases shall be adjudicated within 90 days of institution of prosecution.
- (2) 90% of felony cases shall be adjudicated within 180 days of institution of prosecution.
- (3) 98% of felony cases shall be adjudicated within 365 days of institution of prosecution.

Proposed law provides that in cases where the offense charged is a misdemeanor, the time standards shall be as follows:

- (1) 75% of misdemeanor cases shall be adjudicated within 60 days of institution of prosecution.
- (2) 90% of misdemeanor cases shall be adjudicated within 90 days of institution of prosecution.
- (3) 98% of misdemeanor cases shall be adjudicated within 180 days of institution of prosecution.

Proposed law provides that in cases where the offense charged is a violation of a traffic ordinance or any parish or municipal ordinance, the time standards shall be as follows:

- (1) 75% of cases involving any of these ordinance violations shall be adjudicated within 30 days.
- (2) 90% of cases involving any of these ordinance violations shall be adjudicated within 60 days.
- (3) 98% of cases involving any of these ordinance violations shall be adjudicated within 90 days.

Proposed law provides that in proceedings involving an application for habeas corpus or post-conviction relief, a judgement shall be rendered within 180 days of the receipt of the application by a court of competent jurisdiction.

Proposed law provides that time standards may be interrupted by either of the following:

- (1) The failure of the defendant to appear in court.
- (2) The treatment of a defendant after a judicial determination that the defendant's mental capacity is likely to be restored as a result of treatment.

Proposed law provides that in each judicial district there shall be a "Timely Delivery of Justice Board" consisting of the following members:

- (1) The chief judge of the judicial district.
- (2) The clerk of court of the parishes within the judicial district.
- (3) The district attorney of the judicial district.

Proposed law provides that each board shall have the following duties:

- (1) Formulate such plans as are necessary to comply with the provisions of present law (C.Cr.P. Art. 586) and to collect data to measure these compliance measures.
- (2) Submit the data collection plan to the La. Supreme Court for approval.

- (3) Submit an annual report to the La. Supreme Court which details the actual percentage of adjudicated cases specified in present law (C.Cr.P. Art. 586).

Proposed law provides that each judicial division shall submit timely and accurate data to its judicial district's board as necessary to measure compliance.

Proposed law provides that upon receipt of the information specified in present law (C.Cr.P. Art. 588), the La. Supreme Court shall include this data in its annual report.

Proposed law provides that in any judicial district that do not meet the adjudication percentages set forth in present law (C.Cr.P. Art. 586), the La. Supreme Court shall take all steps necessary to identify the cause of why the time standards in that judicial district were not met.

Proposed law provides that the La. Supreme Court may also make recommendations to the judges, district attorney, indigent defender board, and clerk of court of the appropriate judicial district as well as to any other person, agency, or entity in order to ensure the judicial's district future compliance with the time standards specified in present law (C.Cr.P. Art. 586).

(Adds C.Cr.P. Arts. 584-589)