

ACT No. 10

2024 Second Extraordinary Session

HOUSE BILL NO. 4

BY REPRESENTATIVES EMERSON AND MIKE JOHNSON AND SENATOR SEABAUGH

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 930.4(F) and (G) and
3 930.8(A)(1) and (D) and to enact Code of Criminal Procedure Article 930.8(E),
4 relative to procedures utilized in post conviction proceedings; to provide relative to
5 the timeliness of post conviction applications; to provide relative to the procedural
6 requirements of post conviction applications; to provide relative to the exceptions to
7 the time limitations of post conviction applications; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Articles 930.4(F) and (G) and 930.8(A)(1)
11 and (D) are hereby amended and reenacted and Code of Criminal Procedure Article 930.8(E)
12 is hereby enacted to read as follows:

13 Art. 930.4. Repetitive applications

14 * * *

15 ~~F. If the court considers dismissing an application for failure of the petitioner~~
16 ~~to raise the claim in the proceedings leading to conviction, failure to urge the claim~~
17 ~~on appeal, or failure to include the claim in a prior application, the court shall order~~
18 ~~the petitioner to state reasons for his failure. If the court finds that the failure was~~
19 ~~excusable, it shall consider the merits of the claim. Any attempt or request by a~~
20 ~~petitioner to supplement or amend the application shall be subject to all of the~~
21 ~~limitations and restrictions set forth in this Article. In addition to serving the district~~
22 ~~attorney for the jurisdiction where the underlying conviction was obtained, any~~

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~~D. Notwithstanding any provision of this Title to the contrary, the state may affirmatively waive any objection to the timeliness under Paragraph A of this Article of the application for post conviction relief filed by the petitioner. Such waiver shall be express and in writing and filed by the state into the district court record. 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. 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.

Section 2. This Act shall become effective on August 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or August 1, 2024, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____