

2025 Regular Session

HOUSE BILL NO. 277

BY REPRESENTATIVE JORDAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to certain pretrial procedures

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 230.1(B), 293, and 294(D) and

3 to enact Code of Criminal Procedure Article 230.1(E), relative to pretrial procedures;

4 to provide relative to appointment of counsel for certain persons; to provide relative

5 to transcripts of preliminary examination proceedings; to provide for a definition;

6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 230.1(B), 293, and 294(D) are

9 hereby amended and reenacted and Code of Criminal Procedure Article 230.1(E) is hereby

10 enacted to read as follows:

11 Art. 230.1. Maximum time for appearance before judge for the purpose of

12 appointment of counsel; court discretion to fix bail at the appearance;

13 extension of time limit for cause; effect of failure of appearance

14 * * *

15 B. At this appearance, if the court determines that a defendant is indigent

16 pursuant to R.S. 15:175, the defendant has the right to have the court appoint counsel

17 to defend him; from his initial appearance until the conclusion of the case unless the

18 defendant decides, at any time, to hire private counsel. ~~the~~ The court shall assign

1 counsel to the defendant. The court may also, in its discretion, determine or review
2 a prior determination of the amount of bail.

3 * * *

4 E. For the purposes of this Article, "conclusion of the case" means the entry
5 of a final judgment in the trial court by conviction, acquittal, or dismissal of all
6 charges. "Conclusion of the case" shall also include the completion of sentencing,
7 if applicable.

8 * * *

9 Art. 293. Time for examination; procurement of counsel

10 When a preliminary examination is ordered, the court shall conduct the
11 examination promptly but shall allow the defendant a reasonable time to procure
12 counsel. If the court determines that the arrested person is indigent pursuant to R.S.
13 15:175, the court shall appoint qualified counsel to represent him at the preliminary
14 examination.

15 Art. 294. Examination of witnesses; transcript of testimony

16 * * *

17 D. Upon motion of the state or the defendant, a transcript of the preliminary
18 examination proceedings may be made and shall be promptly provided to the state
19 or defense counsel. The cost of the transcript preparation under this Paragraph shall
20 be paid by the party making the motion, unless the party is an indigent defendant.

21 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 277 Reengrossed

2025 Regular Session

Jordan

Abstract: Provides relative to certain pretrial procedures.

Present law (C.Cr.P. Art. 230.1) provides for the maximum time for appearance before a judge for the purpose of appointment of counsel.

Proposed law retains present law.

Present law provides that at this appearance, if a defendant has the right to have the court appoint counsel to defend him, the court shall assign counsel to the defendant.

Proposed law amends present law to provide that if the court determines that a defendant is indigent pursuant to present law (R.S. 15:175), the defendant has the right to have the court appoint counsel to defend him from his initial appearance until the conclusion of the case unless the defendant decides, at any time, to hire private counsel.

Proposed law defines the term "conclusion of the case".

Present law (C.Cr.P. Art. 293) provides that when a preliminary examination is ordered, the court is required to conduct the examination promptly but shall allow the defendant a reasonable time to procure counsel.

Proposed law provides that if the court determines that the arrested person is indigent pursuant to present law, the court is required to appoint qualified counsel to represent him at the preliminary examination.

Present law (C.Cr.P. Art. 294) provides that upon motion of the state or the defendant, a transcript of the preliminary examination proceedings may be made. The cost of the transcript preparation shall be paid by the party making the motion, unless the party is an indigent defendant.

Proposed law retains present law and requires that a copy of the preliminary examination proceedings be promptly provided to the state or defense counsel upon written motion.

(Amends C.Cr.P. Arts. 230.1(B), 293, and 294(D); Adds C.Cr.P. Art. 230.1(E))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Restore provisions of present law and remove provisions of proposed law relative to a court order for a preliminary examination before and after indictment, speedy trial, subpoena duces tecum, and service of subpoena by the sheriff.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Define the term "conclusion of the case".