

2026 Regular Session

SENATE BILL NO. 481

BY SENATOR MORRIS

CRIMINAL PROCEDURE. Provides relative to motions for a new trial. (8/1/26)

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 858, relative to motions for a new trial; to provide relative to appellate court jurisdiction; to provide relative to the burden of proof to grant a motion for a new trial; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 858 is hereby amended and reenacted to read as follows:

Art. 858. Review of ruling on motion for new trial

Neither the appellate nor supervisory jurisdiction of the supreme court or other appellate court may be invoked to review the granting or the refusal to grant a new trial, except for error of law. The showing of injustice that is required before granting a motion for new trial pursuant to Article 851 is a question of law. Any motion granted pursuant to Article 851(B)(1) shall require proving either the error of law or the insufficiency of the evidence as a matter of law, and shall be reviewable under this Article. The mover shall be required to establish that, after viewing the evidence in a light most favorable to the prosecution, no rational trier of fact could have found the essential elements of

