ENROLLED

2026 Regular Session

ACT No. 104

HOUSE BILL NO. 336

BY REPRESENTATIVE MIKE JOHNSON

AN ACT

To enact Code of Criminal Procedure Article 927.2, relative to post conviction relief; to provide relative to unexhausted claims; to provide for duties of the petitioner and the court; to provide for the submission and contents of applications; to provide for dismissal; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 927.2 is hereby enacted to read as follows:

Art. 927.2. Unexhausted claims

A. A petitioner shall file an unexhausted claim in the state district court for the parish in which the petitioner was convicted within thirty days of the granting of a stay from a federal court if all of the following have occurred:

(1) The petitioner failed to raise a claim for post conviction relief in state district court.

(2) The petitioner raised a claim for post conviction relief in a petition for a federal habeas corpus proceeding.

(3) A federal court stayed the habeas corpus proceeding to allow the petitioner to exhaust the claim in state district court.

B. An application that raises an unexhausted claim shall establish all of the following:

(1) That the petitioner had good cause for failing to raise the claim in prior post conviction applications.

(2) That the claim is not plainly without merit.

(3) That the petitioner has not intentionally engaged in any dilatory litigation tactics.

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C. The failure of the petitioner to satisfy any requirement in Paragraph A or B of this Article shall result in dismissal of the application.

D. The provisions of Articles 926 and 927.1 shall apply to any application that is filed pursuant to this Article.

E. The state district court shall expedite its consideration and resolution of an unexhausted claim.

F. If any party invokes the supervisory jurisdiction of the Louisiana Supreme Court to review the state district court's resolution of the unexhausted claim, the Louisiana Supreme Court shall give priority consideration to and expedite its review of the claim.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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