

First Extraordinary Session, 2005

SENATE BILL NO. 67

BY SENATOR CHAISSON

LEGIS POWERS/FUNCTIONS. Ratifies suspension by Executive Order of prescription, time limitations, and legal deadlines regarding criminal proceedings. (gov sig)

1 AN ACT

2 To enact R.S. 15:171, relative to legal deadlines suspended by Executive Orders; to provide
3 for the suspension of time limitations, prescription, and legal deadlines issued by an
4 Executive Order during an emergency or disaster; to provide for the ratification of
5 Executive Orders KBB 2005-32, KBB 2005-48, and KBB 2005-67 and subsequent
6 Executive Orders; to provide for effective dates; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:171 is hereby enacted to read as follows:

9 **§171. Findings; suspension of certain deadlines; ratification**

10 **A. The legislature finds that Hurricanes Katrina and Rita created a**
11 **statewide emergency disrupting and forcing the closure of certain courts and**
12 **public offices, and further resulting in the displacement of courts, offices,**
13 **clients, defendants, and counsel. For the benefit and protection of the state as**
14 **a whole and its citizens, and to prevent injustice, inequity and undue hardship,**
15 **the legislature finds it necessary to temporarily suspend the laws providing for**
16 **time limitations, prescription, and other legal deadlines in order to assure equal**
17 **access to justice for persons who were prevented by these hurricanes and their**

1 effects from timely access to courts and offices in the exercise of their legal
2 rights as authorized or required by law.

3 **B. The action of the governor of this state in issuing Executive Orders**
4 **KBB 2005-32, KBB 2005-48, and KBB 2005-67 and subsequent Executive**
5 **Orders relative to suspension of all time deadlines in legal proceedings in**
6 **criminal courts, including but not limited to, non-constitutionally mandated**
7 **deadlines in criminal proceedings is hereby approved, ratified and confirmed,**
8 **notwithstanding any other law to the contrary.**

9 Section 2. The provisions of this Act shall preempt and supersede but not repeal any
10 conflicting provision of Title 15 of the Louisiana Revised Statutes of 1950, the Code of
11 Criminal Procedure or any other provision of law.

12 Section 3. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Tracy Sabina Sudduth.

DIGEST

Proposed law provides for legislative findings.

Proposed law provides that the suspension of time deadlines in legal proceedings in criminal courts issued by Executive Order be approved, ratified and confirmed, notwithstanding any other law to the contrary.

Proposed law provides that proposed law shall preempt and supersede but not repeal any conflicting provision of present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 15:171)