
DIGEST

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Martiny

HB No. 73

Abstract: Provides for emergency sessions of criminal court upon order of the Louisiana Supreme Court.

Proposed law defines "affected court", "emergency sessions", and "host jurisdiction". (C.Cr.P. Art. 942)

Proposed law provides for the preemption of conflicting provisions of present law without the repeal of those provisions.

Proposed law provides for criteria for emergency sessions of court. (C.Cr.P. Art. 944)

Proposed law provides for venue for criminal proceedings. (C.Cr.P. Art. 945)

Proposed law provides that venue for a writ of habeas corpus for an individual whose physical custody has been transferred as a result of the circumstances which are the basis for the emergency session shall be in the parish of East Baton Rouge. (C.Cr.P. Art. 945)

Proposed law provides for the jurisdiction and powers of the affected court conducting emergency sessions. (C.Cr.P. Arts. 946 and 947)

Proposed law provides for the length of emergency sessions of court. (C.Cr.P. Art. 948)

Proposed law provides that all court costs, fees, and fines assessed or taxed and collected previously by the affected court prior to the supreme court order authorizing the conducting of emergency sessions shall be assessed, taxed, collected, distributed, and retained in the same amounts by and to the same entities and in the same manner by the affected court conducting the emergency session in the host jurisdiction. (C.Cr.P. Art. 949)

Proposed law provides for the authority of the district, sheriff, clerk of court, and indigent defender board in the affected court conducting emergency sessions. (C.Cr.P. Arts. 950, 951, 952, and 953)

Proposed law (C.Cr.P. Art. 954) provides that upon motion by the district attorney and after a contradictory hearing, in any criminal trial conducted in the emergency sessions of court, the court may summon jurors from the host jurisdiction. Requires the district attorney to show that the interests of justice are served by the granting of the motion.

Proposed law provides that the summoning of jurors shall be conducted by the clerk of the host jurisdiction. The cost of summoning jurors and all costs regarding jurors shall be paid by the affected court. (C.Cr.P. Art. 954)

Proposed law provides that the time periods, limitations, and delays established by the provisions of present law affecting the administration of criminal justice shall be suspended in the jurisdiction of the affected court for a period of 90 days following the issuance of an order authorizing emergency sessions of court and that this time period may be extended or rescinded by order of the supreme court. (C.Cr.P. Art. 955)

Proposed law provides for appeals and supervisory writs from decisions of an affected court conducting emergency sessions. (C.Cr.P. Art. 956)

Proposed law provides that the supreme court shall give notice at least 10 days prior to the conclusion of the emergency sessions to the chief judge, the district attorney, the chief indigent defender, and the clerk of the affected court.

(Adds C.Cr.P. Arts. 941-956)

Summary of Amendments Adopted by House

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

1. Adds provision requiring the supreme court give notice at least 10 days prior to the conclusion of the emergency sessions to the chief judge, the district attorney, the chief indigent defender, and the clerk of the affected court.
2. Removes provision requiring the consent of the state and the defendant before jury trial can be conducted in host jurisdiction.
3. Adds provision requiring the supreme court to make a reasonable effort to contact the district attorney, the chief indigent defender, and the clerk of the affected court prior to ordering emergency sessions of court.
4. Specifies additional provisions which are not subject to the 90-day suspension of time limitations.
5. Adds provision authorizing the conducting of grand jury proceedings in emergency sessions of the affected court.

House Floor Amendments to the engrossed bill.

1. Provides upon motion of the district attorney and after a contradictory hearing, the

court may summon jurors from the host jurisdiction.