

Regular Session, 2014

SENATE BILL NO. 571

BY SENATOR WALSWORTH

PUBLIC DEFENDER. Provides for the disclosure of certain documents by the district attorney prior to trial. (8/1/14)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 717(C), relative to public defenders;
3 to provide for the disclosure of inducements or records of arrests and convictions;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Art. 717(C) is hereby amended and reenacted
7 to read as follows:

8 Art. 717. Disclosure by the state; criminal records of defendant and witnesses;
9 inducements to the state's witnesses

10 * * *

11 C. The time for disclosure provided for by this Article shall be set by the
12 court, provided that the district attorney shall ~~not be required to~~ disclose inducements
13 or records of arrests and convictions ~~until~~ **no later than thirty days prior to** the
14 commencement of trial. For any witness called by the state in its rebuttal case, the
15 record of arrests and convictions of the rebuttal witness, and any inducement offered
16 by the district attorney, or by any law enforcement officer on behalf of the district
17 attorney, to secure testimony of the witness in the state's rebuttal case shall be

1 disclosed immediately prior to the witness being sworn.

2 * * *

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Walsworth (SB 571)

Present law provides that upon a written motion of the defendant, the court shall order the district attorney (or the law enforcement agency) to disclose to the defendant, the record of arrests and convictions of the defendant, any codefendant, and any witness the state calls or intends to call at trial. Also requires the disclosure to the defendant and inducements offered by the district attorney (or law enforcement officer on behalf of the district attorney) to any state witness.

Proposed law retains present law.

Present law provides that the disclosure shall be set by the court, but shall not be required prior to the commencement of trial, or for any rebuttal witness, such disclosure shall be immediately prior to the witness being sworn in.

Proposed law changes the timing of the disclosure from not prior to the commencement of trial to no later than 30 days prior to commencement of trial. Proposed law retains present law as to the timing of disclosure for rebuttal witnesses.

Effective August 1, 2014.

(Amends C.Cr.P. Art. 717(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds provisions regarding the timing of the disclosure to a defendant of certain records of arrests and convictions and any inducements.

Senate Floor Amendments to engrossed bill

1. Removes certain provisions regarding the Louisiana Bureau of Criminal Identification and Information.