

2018 Regular Session

HOUSE BILL NO. 61

BY REPRESENTATIVE DWIGHT

CRIMINAL/APPEALS: Provides relative to applications for post-conviction relief filed by persons who are sentenced to death

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 930.8(A)(4), relative to post-
3 conviction relief in capital cases; to provide relative to the time limit within which
4 post-conviction relief applications may be filed; to provide relative to the exceptions
5 to this time limitation for persons who have been sentenced to death; to require that
6 certain information be included in applications filed under this exception; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 930.8(A)(4) is hereby amended and
10 reenacted to read as follows:

11 Art. 930.8. Time limitations; exceptions; prejudicial delay

12 A. No application for post-conviction relief, including applications which
13 seek an out-of-time appeal, shall be considered if it is filed more than two years after
14 the judgment of conviction and sentence has become final under the provisions of
15 Article 914 or 922, unless any of the following apply:

16 * * *

17 (4)(a) The person asserting the claim has been sentenced to death. However,
18 in such cases, no application for post-conviction relief may be filed more than three
19 years after the judgment of conviction and sentence has become final under the
20 provisions of Article 914 or 922.

