

2018 Regular Session

HOUSE BILL NO. 293

BY REPRESENTATIVE HILFERTY

CRIMINAL/PROCEDURE: Provides for the release of a person when the person was not brought before a judge within 72 hours of arrest

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 230.1(C), relative to the
3 maximum time for appearance before a judge for appointment of counsel; to provide
4 for the release of a defendant under certain circumstances; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 230.1(C) is hereby amended and
8 reenacted to read as follows:

9 Art. 230.1. Maximum time for appearance before judge for the purpose of
10 appointment of counsel; court discretion to fix bail at the appearance;
11 extension of time limit for cause; effect of failure of appearance

12 * * *

13 C. If the arrested person is not brought before a judge in accordance with the
14 provisions of Paragraph A of this Article, he shall be released ~~forthwith~~ on his own
15 recognizance.

16 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 293 Engrossed

2018 Regular Session

Hilferty

Abstract: Allows a defendant who is not brought before a judge within 72 hours of arrest for appointment of counsel to be released on his own recognizance.

Present law provides that a defendant shall be brought before a judge within 72 hours of arrest for the appointment of counsel.

Present law provides that failure to do so results in the immediate release of the defendant.

Proposed law changes present law to allow for the release of the defendant on his own recognizance.

(Amends C.Cr.P. Art. 230.1(C))

Summary of Amendments Adopted by House

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

1. Provide that if the arrested person is not brought before a judge within 72 hours of arrest for appointment of counsel, the defendant shall be released on his own recognizance, instead of on bail without surety pursuant to the provisions of present law.