

2018 Regular Session

HOUSE BILL NO. 62

BY REPRESENTATIVE DWIGHT

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 701(B)(2) and  
3 (D)(1)(introductory paragraph) and to enact Code of Criminal Procedure Article  
4 701(D)(3), relative to the period of time within which trial is required to commence;  
5 to provide relative to the right to a speedy trial; to provide relative to motions filed  
6 by the defendant for a speedy trial; to authorize the suspension or the dismissal of a  
7 defendant's motion for speedy trial and suspension of the time period for  
8 commencement of trial under certain circumstances; and to provide for related  
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Criminal Procedure Article 701(B)(2) and (D)(1)(introductory  
12 paragraph) are hereby amended and reenacted and Code of Criminal Procedure Article  
13 701(D)(3) is hereby enacted to read as follows:

14 Art. 701. Right to a speedy trial

15 \* \* \*

16 B. The time period for filing a bill of information or indictment after arrest  
17 shall be as follows:

18 \* \* \*

19 (2)(a) When the defendant is not continued in custody subsequent to arrest,  
20 an indictment or information shall be filed within ninety days of the arrest if the  
21 defendant is booked with a misdemeanor and one hundred fifty days of the arrest if  
22 the defendant is booked with a felony.

1            (b) Failure to institute prosecution as provided in Subparagraph (1) of this  
 2            Paragraph shall result in release of the defendant if, after contradictory hearing with  
 3            the district attorney, just cause for the failure is not shown. If just cause is shown,  
 4            the court shall reconsider bail for the defendant. Failure to institute prosecution as  
 5            provided in ~~Subparagraph (2)~~ this Paragraph shall result in the release of the bail  
 6            obligation if, after contradictory hearing with the district attorney, just cause for the  
 7            delay is not shown.

\* \* \*

9            D.(1) A motion by the defendant for a speedy trial, in order to be valid, must  
 10           be accompanied by an affidavit by defendant's counsel certifying that the defendant  
 11           and his counsel are prepared to proceed to trial within the delays set forth in this  
 12           Article. ~~After~~ Except as provided in Subparagraph (3) of this Paragraph, after the  
 13           filing of a motion for a speedy trial by the defendant and his counsel, the time period  
 14           for commencement of trial shall be as follows:

\* \* \*

16           (3) After a motion for a speedy trial has been filed by the defendant, if the  
 17           defendant files any subsequent motion which requires a contradictory hearing, the  
 18           court may suspend, in accordance with Article 580, or dismiss upon a finding of bad  
 19           faith the pending speedy trial motion. In addition, the period of time within which  
 20           the trial is required to commence, as set forth by Article 578, may be suspended, in  
 21           accordance with Article 580, from the time that the subsequent motion is filed by the  
 22           defendant until the court rules upon such motion.

\* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_