

2020 Regular Session

HOUSE BILL NO. 436

BY REPRESENTATIVE MARCELLE

CRIMINAL/PROCEDURE: Provides relative to the maximum time for appearance before a judge

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 230.1(A), relative to the
3 maximum time for appearance before a judge; to provide relative to the time period
4 within which a person shall appear before a judge; to remove the exclusion of
5 Saturdays, Sundays, and legal holidays in the computation of time for appearance of
6 an arrested person before a judge; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

13 A. The sheriff or law enforcement officer having custody of an arrested
14 person shall bring him promptly, and in any case within seventy-two hours from the
15 time of the arrest, before a judge for the purpose of appointment of counsel.
16 ~~Saturdays, Sundays, and legal holidays shall be excluded in computing the seventy-~~
17 ~~two-hour period referred to herein.~~ The defendant shall appear in person unless the
18 court by local rule provides for such appearance by telephone or audio-video
19 electronic equipment. However, upon a showing that the defendant is incapacitated,
20 unconscious, or otherwise physically or mentally unable to appear in court within

