
DIGEST

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HB 759 Original

2020 Regular Session

Marino

Abstract: Authorizes the supreme court to issue an order suspending certain time periods, limitations, and delays during a gubernatorially declared state of disaster or emergency.

Present law provides for certain time periods, limitations, and delays pertaining to the initiation, continuation, prosecution, defense, appeal, and post-conviction relief of any prosecution of any state or municipal criminal, juvenile, wildlife, or traffic matter within the state of La.

Proposed law retains present law but provides that if the governor has declared a disaster or emergency pursuant to the provisions of present law (R.S. 29:721 et seq.), the supreme court is authorized to issue an order, or series of orders as it determines to be necessary and appropriate, that shall have the full force and effect of suspending all time periods, limitations, and delays pertaining to the initiation, continuation, prosecution, defense, appeal, and post-conviction relief of any prosecution of any state or municipal criminal, juvenile, wildlife, or traffic matter within the state of La. including but not limited to any such provisions in the Code of Criminal Procedure, the Children's Code, and Titles 14, 15, 32, 40, and 56 of the La. Revised Statutes, or in any other provision of La. law, for a determinate period of 30 days except as otherwise provided by proposed law.

Proposed law provides that the 30-day period shall commence to run from the date the supreme court issues the order or from a particular date specified by the court in the order, whichever is earlier.

Proposed law provides that the 30-day period may be extended by further order of the supreme court for additional successive periods with each period not exceeding 30 days.

Proposed law provides that the period of suspension authorized by the provisions of proposed law shall terminate upon order of the supreme court or upon cessation of the declared state of disaster or emergency, whichever is earlier.

Proposed law does not apply to time periods, delays, or limitations applicable to the maximum time for appearance before a judge for the purpose of appointment of counsel (C.Cr.P. Art. 230.1), the time period within which a probable cause determination is required to be made (C.Cr.P. Art. 230.2), the time period within which an arrested person is required to be taken before a judge to determine the lawfulness of the arrest (C.Cr.P. Art. 232), and the time period within which a continued custody hearing is required after a child has been taken into custody in Child in Need of Care and delinquency cases (Ch.C.Art. 624 and 819).

Proposed law provides that nothing in proposed law shall be construed to negate or impair the application of any other provision of present law regarding the suspension or interruption of time periods, limitations, or delays.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds C.Cr.P. Art. 958)