

2020 Regular Session

HOUSE BILL NO. 759

BY REPRESENTATIVE MARINO

1 AN ACT

2 To enact Code of Criminal Procedure Article 958, relative to suspension of time limitations
3 in declared disaster, emergency, or public health emergency; to provide relative to
4 the authority of the supreme court to suspend certain time periods, limitations, and
5 delays during a declared disaster, emergency, or public health emergency; to provide
6 for the authority to terminate and to extend the suspension period; to provide for
7 certain exceptions; to provide relative to the application of other provisions of law
8 regarding suspension and interruption of time periods, limitations, and delays; to
9 provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Criminal Procedure Article 958 is hereby enacted to read as
12 follows:

13 Art. 958. Suspension of time limitations in declared disaster, emergency, or public
14 health emergency

15 A. Notwithstanding any provision of law to the contrary, if the governor has
16 declared a disaster or emergency pursuant to the provisions of R.S. 29:721 et seq. or
17 a public health emergency pursuant to R.S. 29:760 et seq., the supreme court is
18 authorized to issue an order, or series of orders as it determines to be necessary and
19 appropriate, that shall have the full force and effect of suspending all time periods,
20 limitations, and delays pertaining to the initiation, continuation, prosecution, defense,
21 appeal, and post-conviction relief of any prosecution of any state or municipal
22 criminal, juvenile, wildlife, or traffic matter within the state of Louisiana including
23 but not limited to any such provisions in the Code of Criminal Procedure, the

1 Children's Code, and Titles 14, 15, 32, 40, and 56 of the Louisiana Revised Statutes
2 of 1950, or in any other provision of Louisiana law, for a determinate period of thirty
3 days except as otherwise provided by this Article.

4 B. The thirty-day period provided for in this Article shall commence to run
5 from the date the supreme court issues the order or from a particular date specified
6 by the supreme court in the order, whichever is earlier.

7 C. The thirty-day period provided in Paragraph A of this Article may be
8 extended by further order of the supreme court for additional successive periods with
9 each period not exceeding thirty days.

10 D. The period of suspension authorized by the provisions of this Article shall
11 terminate upon order of the supreme court or upon termination of the declared
12 disaster, emergency, or public health emergency, whichever is earlier.

13 E. The provisions of this Article shall not apply to Code of Criminal
14 Procedure Articles 230.1, 230.2, and 232 and Children's Code Articles 624 and 819.

15 F. Nothing in this Article shall be construed to negate or impair the
16 application of any other provision of law regarding the suspension or interruption of
17 time periods, limitations, or delays.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____