

2021 Regular Session

HOUSE BILL NO. 406

BY REPRESENTATIVES BISHOP AND MAGEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to the presence of the defendant in misdemeanor prosecutions

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 833, relative to the presence of  
3 the defendant; to provide relative to the presence of the defendant in misdemeanor  
4 prosecutions; to require the court to permit such defendants to be arraigned, enter  
5 pleas, or be tried in the absence of the defendant; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 833 is hereby amended and reenacted  
8 to read as follows:

9 Art. 833. Presence of defendant; misdemeanor prosecution

10 A. The court ~~may~~ shall permit a defendant charged with a misdemeanor to  
11 be arraigned, enter his plea of guilty, or be tried, in his absence.

12 B. A plea of not guilty of a misdemeanor may ~~always~~ be entered through  
13 counsel ~~and in the absence of the defendant~~. In the absence of the defendant, a plea  
14 of not guilty of a misdemeanor shall be entered through counsel.

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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)]

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HB 406 Original

2021 Regular Session

Bishop

**Abstract:** Relative to the presence of the defendant in misdemeanor prosecutions, requires the court to allow the defendant to be arraigned, plead guilty, or be tried in his absence, and further requires pleas of not guilty to be entered through counsel in the absence of the defendant.

Present law authorizes the court to permit a defendant charged with a misdemeanor to be arraigned, enter his plea of guilty, or be tried, in his absence.

Proposed law amends present law to require the court to permit a defendant charged with a misdemeanor to be arraigned, enter his plea of guilty, or be tried, in his absence.

Present law provides that a plea of not guilty of a misdemeanor may always be entered through counsel and in the absence of the defendant.

Proposed law provides that pleas of not guilty of misdemeanors shall be entered through counsel in the absence of the defendant.

(Amends C.Cr.P. Art. 833)