
DIGEST

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HB 406 Reengrossed

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 retains present law.

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 of record and in the absence of the defendant by the filing of a sworn affidavit in advance of the scheduled arraignment date.

Proposed law requires and provides the form counsel is to use when accepting service and waiving the presence of the defendant.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Require the counsel to use proposed law form when accepting service and waiving the presence of the defendant.
2. Provide the form required by proposed law.

The House Floor Amendments to the engrossed bill:

1. Make technical changes to citations.
2. Make technical changes to the proposed law affidavit form.

3. Specify that the affidavit be filed by the counsel of record in advance of the scheduled arraignment date.
4. Specify that the affidavit include the caption of the case and summons number as well as the citation number or docket number, as applicable, in the form provided by proposed law.