

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 46

2021 Regular Session

James

CRIMINAL/JUSTICE: Provides relative to certain pretrial procedures

Synopsis of Senate Amendments

1. Changes effective date from upon signature of the governor to Jan. 1, 2022.
2. Makes a technical change.

Digest of Bill as Finally Passed by Senate

Present law provides that the time period for filing a bill of information or indictment after arrest is as follows:

- (1) When the defendant is continued in custody subsequent to an arrest, an indictment or bill of information shall be filed within 45 days of the arrest if the defendant is being held for a misdemeanor and within 60 days of the arrest if the defendant is being held for a felony.
- (2) When the defendant is continued in custody subsequent to an arrest, an indictment shall be filed within 120 days of the arrest if the defendant is being held for a felony for which the punishment may be death or life imprisonment.
- (3) When the defendant is not continued in custody subsequent to arrest, an indictment or information shall be filed within 90 days of the arrest if the defendant is booked with a misdemeanor and 150 days of the arrest if the defendant is booked with a felony.

With regard to a defendant in continued custody subsequent to an arrest, proposed law changes the amount of days within which an indictment or bill of information shall be filed from 45 to 30 if the defendant is being held for a misdemeanor.

Effective Jan. 1, 2022.

(Amends C.Cr.P. Art. 701(B)(1)(a))