2021 Regular Session

HOUSE BILL NO. 106

BY REPRESENTATIVE CARPENTER

1	AN ACT
2	To enact Code of Criminal Procedure Article $556.1(A)(5)$, relative to pleas in criminal cases;
3	to provide relative to pleas of guilty or nolo contendere in felony cases; to provide
4	relative to duties of the court or defense counsel; to require the court or defense
5	counsel to inform a defendant of additional consequences as a result of a guilty plea
6	or nolo contendere; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Code of Criminal Procedure Article $556.1(A)(5)$ is hereby enacted to read
9	as follows:
10	Art. 556.1. Plea of guilty or nolo contendere in felony cases; duty duties of the court
11	and defense counsel
12	A. In a felony case, the court shall not accept a plea of guilty or nolo
13	contendere without first addressing the defendant personally in open court and
14	informing him of, and determining that he understands, all of the following:
15	* * *
16	(5) That if he pleads guilty or nolo contendere, he may be subject to
17	additional consequences or waivers of constitutional rights in the following areas as
18	a result of his plea to be informed as follows:
19	(a) Defense counsel or the court shall inform him regarding:
20	(i) Potential deportation, for a person who is not a United States citizen.
21	(ii) The right to vote.
22	(iii) The right to bear arms.
23	(iv) The right to due process.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(v) The right to equal protection.
2	(b) Defense counsel or the court may inform him of additional direct or
3	potential consequences impacting the following:
4	(i) College admissions and financial aid.
5	(ii) Public housing benefits.
6	(iii) Employment and licensing restrictions.
7	(iv) Potential sentencing as a habitual offender.
8	(v) Standard of proof for probation or parole revocations.
9	(c) Failure to adhere to the provisions of Subparagraphs $(A)(5)(a)$ and (b)
10	shall not be considered an error, defect, irregularity, or variance affecting the
11	substantial rights of the accused and does not constitute grounds for reversal pursuant
12	to Article 921.
13	(d) It shall be sufficient to utilize a form which conveys this information to
14	the client and the form shall constitute prima facie evidence that the content was
15	conveyed and understood.
16	* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____