

2022 Regular Session

HOUSE BILL NO. 200

BY REPRESENTATIVE BROWN

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(B), relative to the presence
3 of the defendant; to provide relative to the presence of the defendant in misdemeanor
4 prosecutions; to require the court to allow a plea of not guilty by the filing of a sworn
5 affidavit 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(B) is hereby amended and
8 reenacted to read as follows:

9 Art. 833. Presence of defendant; misdemeanor prosecution

10 * * *

11 B. A plea of not guilty of a misdemeanor ~~shall~~ may be allowed to be entered
12 through counsel of record, ~~and in~~ In the absence of the defendant, a plea of not
13 guilty of a misdemeanor shall be allowed by the filing of a sworn affidavit in
14 advance of the scheduled arraignment date.

15 * * *

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)]

HB 200 Original

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Abstract: Relative to misdemeanor prosecutions, requires the court to allow a plea of not guilty by the filing of a sworn affidavit when a defendant is absent.

Present law requires a plea of not guilty of a misdemeanor to be entered through counsel of record and in the absence of the defendant by the filing of a sworn affidavit prior to the scheduled arraignment date.

Proposed law amends present law to provide that a plea of not guilty of a misdemeanor may be allowed to be entered through counsel of record. Further provides that in the absence of the defendant, such plea shall be allowed by the filing of a sworn affidavit prior to the scheduled arraignment date.

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