

2022 Regular Session

HOUSE BILL NO. 577

BY REPRESENTATIVE WILLARD

CRIMINAL/PROCEDURE: Provides relative to rulings or holdings of the U.S. Supreme Court or La. Supreme Court regarding criminal procedure

1 AN ACT

2 To enact Code of Criminal Procedure Article 15.1, relative to powers of courts; to provide
3 relative to rulings and holdings of the United States Supreme Court and Louisiana
4 Supreme Court; to provide relative to the application of such rulings and holdings;
5 to provide relative to post conviction relief; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 15.1 is hereby enacted to read as
8 follows:

9 Art. 15.1. Rulings or holdings of the United States Supreme Court or Louisiana
10 Supreme Court

11 A. When the United States Supreme Court or Louisiana Supreme Court
12 overrules or holds any provision of this Code unconstitutional, such ruling shall be
13 applied retroactively to all cases of final disposition.

14 B. The provisions of this Article shall apply to any ruling as provided by
15 Paragraph A of this Article after January 1, 2018.

16 C. Notwithstanding any other provision of law to the contrary, any post
17 conviction relief application filed prior to December 31, 2023, shall be considered
18 timely and not repetitive pursuant to Article 930.4.

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 577 Original

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Abstract: Provides relative to criminal procedure when the U.S. Supreme Ct. or La. Supreme Ct. overrules or holds any provision of criminal procedure unconstitutional.

Present law provides that the provisions of present law (C.Cr.P.) are intended to provide for the just determination of criminal proceedings and shall be construed to secure simplicity in the procedure, fairness in administration, and the elimination of unjustifiable delay.

Proposed law retains present law and provides that when the U.S. Supreme Ct. or the La. Supreme Ct. overrules or holds any provision of present law unconstitutional, such ruling shall be applied retroactively to all cases of final disposition.

Proposed law further provides that proposed law shall apply to any ruling after Jan. 1, 2018.

Proposed law provides that any post conviction relief application filed prior to Dec. 31, 2023, shall be considered timely and not repetitive pursuant to present law (C.Cr.P. Art. 930.4)

(Adds C.Cr.P. Art. 15.1)