

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 advance of the scheduled arraignment date; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 833(B) is hereby amended and  
9 reenacted to read as follows:

10 Art. 833. Presence of defendant; misdemeanor prosecution

11 \* \* \*

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

16 \* \* \*

---

**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 Engrossed

2022 Regular Session

Brown

**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 always be allowed to be entered through counsel of record in the absence of the defendant and requires the court to allow such plea by the filing of a sworn affidavit prior to the scheduled arraignment date.

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

Summary of Amendments Adopted by House

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

1. Provide that a plea of not guilty of a misdemeanor may always be entered through counsel of record in the absence of the defendant and shall be allowed by the filing of a sworn affidavit prior to the scheduled arraignment date.