

CONFERENCE COMMITTEE REPORT

HB 200

2022 Regular Session

Brown

June 1, 2022

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 200 by Representative Brown, recommend the following concerning the Engrossed bill:

- 1. That the set of Senate Committee Amendments by the Senate Committee on Senate Judiciary C (#2675) be rejected.
- 2. That the following amendment to the Engrossed bill be adopted;

AMENDMENT NO. 1

On page 1, line 2, change "Article 833(B)," to "Article 833(B) and (C)(introductory paragraph)"

AMENDMENT NO. 2

On page 1, line 8, change "Article 833(B) is" to "Article 833(B) and (C)(introductory paragraph) are"

AMENDMENT NO. 3

On page 1, delete lines 12 through 15 in their entirety and insert the following:

"B.(1) A plea of not guilty of a misdemeanor ~~shall~~ may be allowed to be entered through counsel of record.

(2) and in A plea of not guilty of a misdemeanor shall be allowed to be entered through counsel of record in the absence of the defendant by the filing of a sworn affidavit in advance of the scheduled arraignment date.

C. The sworn affidavit referenced in ~~Paragraph B~~ Subparagraph (B)(2) of this Article shall include the caption of the case and summons number, citation number or docket number as applicable, and state as follows:"

Respectfully submitted,

Representative Chad Brown

Senator Franklin J. Foil

Representative Joseph A. Marino, III

Senator Gary Carter Jr.

Representative Debbie Villio

Senator Rick Ward III

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)]

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and oneliner of the instrument as it left the House

CRIMINAL/PROCEDURE: Provides relative to the presence of the defendant in misdemeanor prosecutions

Report rejects Senate amendments which would have:

1. Clarified language relative to how pleas of not guilty are entered when the defendant is not present.

Report amends the bill to:

1. Clarify when a plea of not guilty of a misdemeanor shall be allowed to be entered through counsel of record in the absence of the defendant by the filing of a sworn affidavit.

Digest of the bill as proposed by the Conference Committee

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 a plea of not guilty of a misdemeanor shall be allowed to be entered through counsel of record in the absence of the defendant by the filing of a sworn affidavit in advance of the scheduled arraignment date.

(Amends C.Cr.P. Art. 833(B) and (C)(intro. para.))