
DIGEST

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HB 230 Engrossed

2024 Regular Session

Hilferty

Abstract: Provides with respect to time delays for granting a new trial.

Present law provides that when a defendant obtains a new trial or there is a mistrial, the state must commence the second trial within one year from the date the new trial is granted, or the mistrial is ordered, or as otherwise provided for in present law.

Proposed law retains those provisions of present law and further provides that the granting of the new trial can be through a motion for new trial, appeal, post conviction relief, or any other mechanism provided in state or federal law.

Proposed law further provides that if the state seeks review of the granting of the new trial, the period of limitations shall not commence to run until the judgment granting the new trial has become final by the state exhausting all avenues of review in the appropriate appellate courts, including the Louisiana Supreme Court.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 582)