

RÉSUMÉ DIGEST

ACT 207 (HB 230)

2024 Regular Session

Hilferty

Existing law provides that when a defendant obtains a new trial or there is a mistrial, the state shall commence the second trial within one year from the date the new trial is granted, or the mistrial is ordered, or as otherwise provided by existing law.

New law retains those provisions of existing 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.

New law further provides that if the state seeks review of the granting of the new trial, the period of limitation 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 La. Supreme Court.

Effective upon signature of governor (May 23, 2024).

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