
DIGEST

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HB 277 Original

2025 Regular Session

Jordan

Abstract: Provides relative to certain pretrial procedures.

Present law (C.Cr.P. Art. 230.1) provides for the maximum time for appearance before a judge for the purpose of appointment of counsel.

Proposed law retains present law.

Present law provides that at this appearance, if a defendant has the right to have the court appoint counsel to defend him, the court shall assign counsel to the defendant.

Proposed law amends present law to provide that if the court determines that a defendant is indigent pursuant to present law (R.S. 15:175), the defendant has the right to have the court appoint counsel to defend him from his initial appearance until the conclusion of the case unless the defendant decides, at any time, to hire private counsel.

Present law (C.Cr.P. Art. 292) provides that after the defendant has been indicted by a grand jury, the court may rescind its order for a preliminary examination.

Proposed law retains present law but provides that a defendant can preserve his request for a preliminary examination in writing prior to indictment.

Present law (C.Cr.P. Art. 293) provides that when a preliminary examination is ordered, the court is required to conduct the examination promptly but shall allow the defendant a reasonable time to procure counsel.

Proposed law provides that if the court determines that the arrested person is indigent pursuant to present law, the court is required to appoint qualified counsel to represent him at the preliminary examination.

Present law (C.Cr.P. Art. 294) provides that upon motion of the state or the defendant, a transcript of the preliminary examination proceedings may be made. The cost of the transcript preparation shall be paid by the party making the motion, unless the party is an indigent defendant.

Proposed law retains present law and requires that a copy of the preliminary examination proceedings be promptly provided to the state or defense counsel upon written motion.

Present law (C.Cr.P. Art. 732) provides that a subpoena may order a person to produce at the trial or hearing books, papers, documents, or any other tangible things in his possession or under his control, if a reasonably accurate description is given.

Proposed law provides that the subpoena may also order a person to produce books, papers, documents, or any other tangible things in his possession or under his control at a preliminary examination. Further provides that a subpoena may be issued at the request of defense counsel or the state at any point after a defendant has been initially arrested for a charge, even if the state has not yet instituted prosecution by filing a bill of information or indictment and if the defendant is subsequently released.

Present law (C.Cr.P. Art. 734) provides that the sheriff of any parish in which the witness may be found or of the parish in which the proceeding is pending shall serve the subpoena and make return thereof without delay.

Proposed law provides that upon motion of an arrested person, the court shall appoint a person over the age of majority, who is not a party and who is residing within the state whom the court deems qualified to perform the duties required, to make service of process in the same manner as is required of sheriffs. Service of process made in this manner shall be proved as any other fact in the case.

(Amends C.Cr.P. Arts. 230.1(B), 292, 293, 294(D), 701(B), (C), and (D)(1) and (3), and 732; Adds C.Cr.P. Art. 734(D))