

2026 Regular Session

HOUSE BILL NO. 52

BY REPRESENTATIVE VILLIO

CRIMINAL/PROCEDURE: Provides relative to trial of misdemeanors

1

AN ACT

2 To amend and reenact Code of Criminal Procedure Article 779, relative to trial without jury;
3 to provide for the trial of misdemeanors; to provide for certain misdemeanors which
4 may be tried by the court without a jury; to provide for prospective and retroactive
5 application; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 779 is hereby amended and reenacted
8 to read as follows:

9 Art. 779. Trial of misdemeanors

10 A. A defendant charged with a misdemeanor that has not been designated as
11 a non-jury trial misdemeanor in which the punishment, as set forth in the statute
12 defining the offense, may be a fine in excess of one thousand dollars or
13 imprisonment for more than six months shall be tried by a jury of six jurors, all of
14 whom must concur to render a verdict.

15 B. In the event a statute provides for a penalty that may be a fine in excess
16 of one thousand dollars or imprisonment for more than six months and does not
17 specify that the punishment may be or is necessarily confinement at hard labor, the
18 prosecuting authority may elect to designate such offense as a non-jury trial
19 misdemeanor. Notwithstanding the penalty set forth in the statute defining the
20 offense, the maximum fine for a non-jury trial misdemeanor shall not exceed one

1 thousand dollars, nor shall the maximum term of imprisonment exceed six months
2 to be served in a parish prison or municipal jail.

3 C. The A defendant charged with a non-jury trial misdemeanor or any other
4 misdemeanor shall be tried by the court without a jury.

5 Section 2. The provisions of this Act shall be given prospective application and
6 retroactive application to June 8, 2025.

7 Section 3. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

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 52 Original

2026 Regular Session

Villio

Abstract: Provides for the trial of misdemeanor offenses.

Present law provides that a defendant charged with a misdemeanor in which the punishment, as set forth in the statute defining the offense, may be a fine in excess of \$1,000 or imprisonment for more than six months shall be tried by a jury of six jurors, all of whom must concur to render a verdict.

Present law further provides that a defendant charged with any other misdemeanor shall be tried by the court without a jury.

Proposed law amends present law to specify that a jury trial only applies to a misdemeanor that has not been designated as a non-jury trial misdemeanor when the punishment consists of a fine in excess of \$1,000 or imprisonment for more than six months.

Proposed law provides that the prosecuting authority may elect to designate an offense as a non-jury trial misdemeanor when the statute provides for a penalty that may be a fine in excess of \$1,000 or imprisonment for more than six months and does not specify that the punishment may be or is necessarily confinement at hard labor.

Proposed law further provides that notwithstanding the penalty set forth in the statute defining the offense, the maximum penalty for a non-jury trial misdemeanor shall be as follows:

- (1) A fine of not more than \$1,000.
- (2) Imprisonment for not more than six months to be served in a parish prison or municipal jail.

Proposed law adds a non-jury trial misdemeanor as an offense that is required to be tried by the court without a jury.

Proposed law shall be applied prospectively and retroactively to June 8, 2025.

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

(Amends C.Cr.P. Art. 779)