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)