

2026 Regular Session

HOUSE BILL NO. 310

BY REPRESENTATIVE CARLSON

CRIMINAL/PROCEDURE: Provides for the reassignment of a defendant's case when the right to a jury trial has been waived

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 780(B), relative to trial by jury;
3 to provide for the reassignment of cases; to provide for the filing of motions; to
4 provide for duties of the court; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 780(B) is hereby amended and
7 reenacted to read as follows:

8 Art. 780. Right to waive trial by jury

9 * * *

10 B.(1) The defendant shall exercise his right to waive trial by jury in
11 accordance with Article I, Section 17 of the Constitution of Louisiana. The waiver
12 shall be by written motion filed in the district court not later than forty-five days
13 prior to the date the case is set for trial. The motion shall be signed by the defendant
14 and shall also be signed by defendant's counsel unless the defendant has waived his
15 right to counsel.

16 (2) If a defendant files a motion pursuant to this Paragraph in a district court
17 with three or more judges who are assigned criminal matters within respective
18 divisions or sections, the case shall be randomly reassigned among the remaining
19 judges who are assigned criminal matters within all divisions or sections
20 immediately following the filing of the motion.

2. Provide that the defendant's waiver of a jury trial that results in a reassignment is an interruption for the purposes of the time periods provided in present law (C.Cr.P. Art. 701)