

Regular Session, 2013

HOUSE BILL NO. 512

BY REPRESENTATIVE MORENO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/TRIALS: Provides relative to the interruption of time limitations for the commencement of a criminal trial

1 AN ACT

2 To enact Code of Criminal Procedure Article 579(C), relative to time limitations for  
3 criminal trials; to provide relative to the time limitations for the commencement of  
4 a criminal trial; to provide relative to the interruption of time limitations for the  
5 commencement of a criminal trial; to provide for definitions; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 579(C) is hereby enacted to read as  
9 follows:

10 Art. 579. Interruption of time limitation

11 \* \* \*

12 C. If the defendant fails to appear in court pursuant to any provision of this  
13 Article and the defendant is subsequently arrested, the periods of limitations  
14 established by Article 578 of this Code shall not commence to run anew until the  
15 defendant appears in person in open court where the case on the original charge is  
16 pending, or the district attorney prosecuting the original charge has notice of the  
17 defendant's custodial location. For purposes of this Paragraph, "notice" shall mean  
18 either of the following:

19 (1) Filing in the court record by either the defendant or his counsel advising  
20 the court of his incarceration with a copy provided to the district attorney and  
21 certification of notice provided to the district attorney.

- 1                    (2) Following the seventy-two hour hearing provided by Article 230.1 of this  
 2                    Code, actual notice of arrest is provided to the district attorney and filed in the record  
 3                    of the proceeding of which the warrant against the defendant was issued.
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### 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)]

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Moreno

HB No. 512

**Abstract:** Provides relative to the interruption of time limitations for the commencement of a criminal trial when a defendant fails to appear in court and is subsequently arrested.

Present law provides for the specific time limitations within which a criminal trial must commence.

Present law provides that such time limitations shall be interrupted if any of the following occur:

- (1) The defendant at any time, with the purpose to avoid detection, apprehension, or prosecution, flees from the state, is outside the state, or is absent from his usual place of abode within the state.
- (2) The defendant cannot be tried because of insanity or because his presence for trial cannot be obtained by legal process, or for any other cause beyond the control of the state.
- (3) The defendant fails to appear at any proceeding pursuant to actual notice, proof of which appears of record.

Present law further provides that these periods of limitation shall commence to run anew from the date the cause of interruption no longer exists.

Proposed law provides that if the defendant fails to appear in court pursuant to any provision of present law and the defendant is subsequently arrested, the periods of limitations shall not commence to run anew until the defendant appears in person in open court where the case on the original charge is pending, or the district attorney prosecuting the original charge has notice of the defendant's custodial location. Further provides for a definition of "notice".

(Adds C.Cr.P. Article 579(C))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Provided that the time limitation shall not begin to run anew until either the defendant appears in court where the original charge is pending, or the district attorney prosecuting the original charge has notice of his custodial location.
2. Added a definition of "notice" for purposes of proposed law.