
DIGEST

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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.