

Regular Session, 2014

HOUSE BILL NO. 741

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Provides for a contradictory hearing for a motion to withdraw a guilty plea

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 559(A), relative to the
3 withdrawal of a guilty plea; to require a contradictory hearing on any motion to
4 withdraw a guilty plea; to authorize the state to waive the contradictory hearing; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 559(A) is hereby amended and
8 reenacted to read as follows:

9 Art. 559. Withdrawal or setting aside of plea of guilty

10 A. ~~The~~ Upon motion of the defendant and after a contradictory hearing,
11 which may be waived by the state in writing, the court may permit a plea of guilty
12 to be withdrawn at any time before sentence.

13 * * *

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)]

Lopinto

HB No. 741

Abstract: Provides for a contradictory hearing for a motion to withdraw a guilty plea and authorizes the state to waive such hearing.

Present law provides that the court may permit a plea of guilty to be withdrawn at any time before the defendant is sentenced.

Proposed law retains present law but provides that a motion to withdraw a guilty plea may only be granted after a contradictory hearing which may be waived by the state.

(Amends C.Cr.P. Art. 559(A))