
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Proposed law provides for certain exceptions to grand jury secrecy as provided for by present law, including disclosure to other prosecutorial entities and experts of material favorable to the defendant and any statement of a witness that is inconsistent with the witness's grand jury testimony.

Present law provides relative to the time for filing pretrial motions.

Proposed law retains present law and adds that the court may allow additional time to respond to pretrial motions and that the court is to fix the time to respond to a pretrial motion requesting discovery or disclosure of certain other information.

Present law provides for the disclosure to the defendant of the defendant's criminal record.

Proposed law retains present law and adds that disclosure must also include the records of a co-defendant or witness to be called by the state, and that the court will set the time for this disclosure.

Present law provides that in certain circumstances the court is to order the district attorney to permit the defendant to inspect, examine, and test documents and other items.

Proposed law retains present law and makes present law applicable to an expert working with the defendant.

Proposed law provides that if the defendant requests disclosure by the state of the criminal records of the state's witnesses, then the defense must disclose the name and birth date of its witnesses.

Present law provides that discovery is applicable in the district courts following the filing of an indictment or bill of information.

Proposed law retains present law and makes present law applicable in the parish and city courts beginning with the filing of an affidavit charging the offense also. Proposed law further provides that present law and proposed law does not apply in city and parish courts for traffic violation prosecutions instituted by affidavit.

Effective August 1, 2012.

(Amends C.Cr.P. Art. 521, 717, 718(intro para) and 718(1) and 729.6; adds C.Cr.P. Art. 434.1 and 725.1)