

2020 Regular Session

HOUSE BILL NO. 51

BY REPRESENTATIVE GREEN

CRIMINAL/PROCEDURE: Provides relative to the time period for filing a bill of information or indictment after an arrest

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 701(B)(1)(a), relative to the time
3 period for filing a bill of information or indictment; to decrease the time period
4 within which an indictment or bill of information shall be filed under certain
5 circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 701(B)(1)(a) is hereby amended and
8 reenacted to read as follows:

9 Art. 701. Right to a speedy trial

10 * * *

11 B. The time period for filing a bill of information or indictment after arrest
12 shall be as follows:

13 (1)(a) When the defendant is continued in custody subsequent to an arrest,
14 an indictment or information shall be filed within ~~forty-five~~ seven days of the arrest
15 if the defendant is being held for a misdemeanor and within ~~sixty~~ fourteen days of
16 the arrest if the defendant is being held for a felony.

17 * * *

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)]

HB 51 Original

2020 Regular Session

Green

Abstract: Decreases the time period within which an indictment or bill of information shall be filed when the defendant is continued in custody subsequent to an arrest from 60 days to 14 days for felonies and from 45 days to 7 days for misdemeanors.

Present law provides that when the defendant is continued in custody subsequent to an arrest, an indictment or bill of information shall be filed within 45 days of the arrest if the defendant is being held for a misdemeanor and within 60 days of the arrest if the defendant is being held for a felony.

Proposed law amends present law to decrease the time period within which an indictment or bill of information shall be filed when the defendant is continued in custody subsequent to an arrest from 60 days to 14 days for felonies and from 45 days to 7 days for misdemeanors.

(Amends C.Cr.P. Art. 701(B)(1)(a))