

2024 Regular Session

HOUSE BILL NO. 343

BY REPRESENTATIVE BACALA

CRIMINAL/PROCEDURE: Provides relative to the adoption of national standards for criminal adjudications

1 AN ACT

2 To enact Chapter 3 of Title XVII of the Louisiana Code of Criminal Procedure, to be
3 comprised of Code of Criminal Procedure Articles 584 through 589, relative to
4 adjudication of certain criminal cases; to provide for the adoption of model time
5 standards; to provide for time standards for felony cases; to provide for time
6 standards for misdemeanor cases; to provide for time standards for traffic, parish, or
7 municipal ordinances; to provide relative to interruption of time standards; to provide
8 for reporting; to provide for the creation of a board; to provide for publication of
9 data; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 3 of Title XVII of the Louisiana Code of Criminal Procedure,
12 comprised of Code of Criminal Procedure Articles 584 through 589, is hereby enacted to
13 read as follows:

14 CHAPTER 3. MODEL TIME STANDARDS

15 Art. 584. Short title

16 This Chapter shall be cited and referred to as the "Timely Delivery of Justice
17 Act".

18 Art. 585. Adoption of model time standards

19 A. The state of Louisiana hereby adopts the Model Time Standards for State
20 Trial Courts as created by the National Center for State Courts in 2011. By January

1 1, 2025, the Louisiana Supreme Court shall adopt such rules as necessary for the
2 implementation of these standards, subject to approval by the House Committee on
3 Judiciary and the Senate Committee on Judiciary C.

4 B. For the purposes of this Chapter, "time standards" shall mean the temporal
5 length of a criminal case from its commencement on the date that a bill of
6 information, indictment, or affidavit is filed through its conclusion on the date of
7 adjudication.

8 Art. 586. Timely delivery of justice; time standards

9 A. In cases where the offense charged is a felony, the time standards shall
10 be as follows:

11 (1) Seventy-five percent of felony cases shall be adjudicated within ninety
12 days of institution of prosecution.

13 (2) Ninety percent of felony cases shall be adjudicated within one hundred
14 eighty days of institution of prosecution.

15 (3) Ninety-eight percent of felony cases shall be adjudicated within three
16 hundred sixty-five days of institution of prosecution.

17 B. In cases where the offense charged is a misdemeanor, the time standards
18 shall be as follows:

19 (1) Seventy-five percent of misdemeanor cases shall be adjudicated within
20 sixty days of institution of prosecution.

21 (2) Ninety percent of misdemeanor cases shall be adjudicated within ninety
22 days of institution of prosecution.

23 (3) Ninety-eight percent of misdemeanor cases shall be adjudicated within
24 one hundred eighty days of institution of prosecution.

25 C. In cases where the offense charged is a violation of a traffic ordinance or
26 any parish or municipal ordinance, the time standards shall be as follows:

27 (1) Seventy-five percent of cases involving any of these ordinance violations
28 shall be adjudicated within thirty days.

1 (2) Ninety percent of cases involving any of these ordinance violations shall
2 be adjudicated within sixty days.

3 (3) Ninety-eight percent of cases involving any of these ordinance violations
4 shall be adjudicated within ninety days

5 D. In proceedings involving an application for habeas corpus or post-
6 conviction relief, a judgement shall be rendered within one hundred eighty days of
7 the receipt of the application by a court of competent jurisdiction.

8 Art. 587. Interruption

9 Time standards may be interrupted by either of the following:

10 (1) The failure of the defendant to appear in court.

11 (2) The treatment of a defendant after a judicial determination that the
12 defendant's mental capacity is likely to be restored as a result of treatment.

13 Art. 588. Reporting

14 A. In each judicial district there shall be a "Timely Delivery of Justice
15 Board" consisting of the following members:

16 (1) The chief judge of the judicial district.

17 (2) The clerk of court of the parishes within the judicial district.

18 (3) The district attorney of the judicial district.

19 B. Each board shall have the following duties:

20 (1) Formulate such plans as are necessary to comply with the provisions of
21 Article 586 of this Code and to collect data to measure these compliance measures.

22 (2) Submit the data collection plan to the Louisiana Supreme Court for
23 approval.

24 (3) Submit an annual report to the Louisiana Supreme Court which details
25 the actual percentage of adjudicated cases specified in Article 586 of this Code.

26 C. Each judicial division shall submit timely and accurate data to its judicial
27 district's board as necessary to measure compliance.

28

1 Art. 589. Publication of data; Louisiana supreme court oversight

2 A. Upon receipt of the information specified in Article 588 of this Code, the
3 Louisiana Supreme Court shall include this data in its annual report.

4 B. In any judicial district that do not meet the adjudication percentages set
5 forth in Article 586 of this Code, the Louisiana Supreme Court shall take all steps
6 necessary to identify the cause of why the time standards in that judicial district were
7 not met. The Court may also make recommendations to the judges, district attorney,
8 indigent defender board, and clerk of court of the appropriate judicial district as well
9 as to any other person, agency, or entity in order to ensure the judicial's district future
10 compliance with the time standards specified in Article 586 of this Code.

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 343 Original

2024 Regular Session

Bacala

Abstract: Provides for time standards in which certain criminal cases are to be adjudicated to completion.

Proposed law shall be cited and referred to as the "Timely Delivery of Justice Act".

Proposed law provides for the adoption of the Model Time Standards for State Trial Courts as created by the National Center for State Courts in 2011.

Proposed law provides that by Jan. 1, 2025, the La. Supreme Court shall adopt such rules as necessary for the implementation of these standards, subject to approval by the House Committee on Judiciary and the Senate Committee on Judiciary C.

Proposed law defines the term "time standards" to mean the temporal length of a criminal case from its commencement on the date that a bill of information, indictment, or affidavit is filed through its conclusion on the date of adjudication.

Proposed law provides in cases where the offense charged is a felony, the time standards shall be as follows:

- (1) 75% of felony cases shall be adjudicated within 90 days of institution of prosecution.
- (2) 90% of felony cases shall be adjudicated within 180 days of institution of prosecution.
- (3) 98% of felony cases shall be adjudicated within 365 days of institution of prosecution.

Proposed law provides that in cases where the offense charged is a misdemeanor, the time standards shall be as follows:

- (1) 75% of misdemeanor cases shall be adjudicated within 60 days of institution of prosecution.
- (2) 90% of misdemeanor cases shall be adjudicated within 90 days of institution of prosecution.
- (3) 98% of misdemeanor cases shall be adjudicated within 180 days of institution of prosecution.

Proposed law provides that in cases where the offense charged is a violation of a traffic ordinance or any parish or municipal ordinance, the time standards shall be as follows:

- (1) 75% of cases involving any of these ordinance violations shall be adjudicated within 30 days.
- (2) 90% of cases involving any of these ordinance violations shall be adjudicated within 60 days.
- (3) 98% of cases involving any of these ordinance violations shall be adjudicated within 90 days.

Proposed law provides that in proceedings involving an application for habeas corpus or post-conviction relief, a judgement shall be rendered within 180 days of the receipt of the application by a court of competent jurisdiction.

Proposed law provides that time standards may be interrupted by either of the following:

- (1) The failure of the defendant to appear in court.
- (2) The treatment of a defendant after a judicial determination that the defendant's mental capacity is likely to be restored as a result of treatment.

Proposed law provides that in each judicial district there shall be a "Timely Delivery of Justice Board" consisting of the following members:

- (1) The chief judge of the judicial district.
- (2) The clerk of court of the parishes within the judicial district.
- (3) The district attorney of the judicial district.

Proposed law provides that each board shall have the following duties:

- (1) Formulate such plans as are necessary to comply with the provisions of present law (C.Cr.P. Art. 586) and to collect data to measure these compliance measures.
- (2) Submit the data collection plan to the La. Supreme Court for approval.
- (3) Submit an annual report to the La. Supreme Court which details the actual percentage of adjudicated cases specified in present law (C.Cr.P. Art. 586).

Proposed law provides that each judicial division shall submit timely and accurate data to its judicial district's board as necessary to measure compliance.

Proposed law provides that upon receipt of the information specified in present law (C.Cr.P. Art. 588), the La. Supreme Court shall include this data in its annual report.

Proposed law provides that in any judicial district that do not meet the adjudication percentages set forth in present law (C.Cr.P. Art. 586), the La. Supreme Court shall take all steps necessary to identify the cause of why the time standards in that judicial district were not met.

Proposed law provides that the La. Supreme Court may also make recommendations to the judges, district attorney, indigent defender board, and clerk of court of the appropriate judicial district as well as to any other person, agency, or entity in order to ensure the judicial's district future compliance with the time standards specified in present law (C.Cr.P. Art. 586).

(Adds C.Cr.P. Arts. 584-589)