
DIGEST

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HB 277 Reengrossed

2025 Regular Session

Jordan

Abstract: Provides relative to certain pretrial procedures.

Present law (C.Cr.P. Art. 230.1) provides for the maximum time for appearance before a judge for the purpose of appointment of counsel.

Proposed law retains present law.

Present law provides that at this appearance, if a defendant has the right to have the court appoint counsel to defend him, the court shall assign counsel to the defendant.

Proposed law amends present law to provide that if the court determines that a defendant is indigent pursuant to present law (R.S. 15:175), the defendant has the right to have the court appoint counsel to defend him from his initial appearance until the conclusion of the case unless the defendant decides, at any time, to hire private counsel.

Proposed law defines the term "conclusion of the case".

Present law (C.Cr.P. Art. 293) provides that when a preliminary examination is ordered, the court is required to conduct the examination promptly but shall allow the defendant a reasonable time to procure counsel.

Proposed law provides that if the court determines that the arrested person is indigent pursuant to present law, the court is required to appoint qualified counsel to represent him at the preliminary examination.

Present law (C.Cr.P. Art. 294) provides that upon motion of the state or the defendant, a transcript of the preliminary examination proceedings may be made. The cost of the transcript preparation shall be paid by the party making the motion, unless the party is an indigent defendant.

Proposed law retains present law and requires that a copy of the preliminary examination proceedings be promptly provided to the state or defense counsel upon written motion.

(Amends C.Cr.P. Arts. 230.1(B), 293, and 294(D); Adds C.Cr.P. Art. 230.1(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Restore provisions of present law and remove provisions of proposed law relative to a court order for a preliminary examination before and after indictment, speedy trial, subpoena duces tecum, and service of subpoena by the sheriff.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Define the term "conclusion of the case".