

2026 Regular Session

HOUSE BILL NO. 131

BY REPRESENTATIVE BACALA

CRIMINAL/PROCEDURE: Provides relative to post-conviction relief

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 930.4(B) and (C) and to enact

3 Code of Criminal Procedure Article 930.5(C), relative to post-conviction relief; to

4 provide relative to repetitive applications; to provide relative to custody and bail

5 pending retrial; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 930.4(B) and (C) are hereby amended

8 and reenacted and Code of Criminal Procedure Article 930.5(C) is hereby enacted to read

9 as follows:

10 Art. 930.4. Jurisdictional bars to relief; repetitive applications

11 * * *

12 B. If the application alleges a claim of which the petitioner had knowledge

13 and ~~inexcusably~~ failed to raise in the proceedings leading to conviction, the court

14 shall deny relief.

15 C. If the application alleges a claim which the petitioner raised in the trial

16 court and ~~inexcusably~~ failed to pursue on appeal, the court shall deny relief.

17 * * *

18 Art. 930.5. Custody pending retrial; bail

19 * * *

- 1 C. The provisions of Paragraph B of this Article do not apply until a
2 judgment granting post-conviction relief becomes final. If relief is granted, the
3 effect of that judgment shall be stayed until either of the following occurs:
4 (1) The time period to invoke the supervisory jurisdiction of the Louisiana
5 Supreme Court has expired.
6 (2) The Louisiana Supreme Court, after receipt of a timely application, has
7 taken final action on the matter.
-

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 131 Original

2026 Regular Session

Bacala

Abstract: Modifies relative to post-conviction relief and repetitive applications.

Present law (C.Cr.P. Art. 930.4) provides relative to jurisdictional bars to post-conviction relief and repetitive applications.

Proposed law retains present law.

Present law requires the court to deny relief if the application alleges a claim of which the petitioner had knowledge and inexcusably failed to raise in the proceedings leading to conviction.

Proposed law modifies present law to require the court to deny relief if the petitioner failed, rather than inexcusably failed, to raise the claim in the proceedings leading to conviction.

Present law requires the court to deny relief if the application alleges a claim which the petitioner raised in the trial court and inexcusably failed to pursue on appeal.

Proposed law modifies present law to require the court to deny relief if the petitioner failed, rather than inexcusably failed, to pursue a claim on appeal that the petitioner raised in the trial court.

Present law (C.Cr.P. Art. 930.5) provides for custody pending retrial and an opportunity for bail.

Proposed law retains present law.

Proposed law provides that present law relative to bail does not apply until a judgment granting post- conviction relief becomes final.

Proposed law provides that if relief is granted, the effect of that judgment shall be stayed until either of the following occurs:

- (1) The time period to invoke the supervisory jurisdiction of the La. Supreme Court has expired.

- (2) The La. Supreme Court, after receipt of a timely application, has taken final action on the matter.

(Amends C.Cr.P. Art. 930.4(B) and (C); Adds C.Cr.P. Art. 930.5(C))