
DIGEST

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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))