

2026 Regular Session

HOUSE BILL NO. 336

BY REPRESENTATIVE MIKE JOHNSON

CRIMINAL/PROCEDURE: Provides relative to post-conviction relief

1 AN ACT

2 To enact Code of Criminal Procedure Article 927.2, relative to post-conviction relief; to
3 provide relative to unexhausted claims; to provide for duties of the petitioner and the
4 court; to provide for the submission and contents of applications; to provide for
5 dismissal; to provide for applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 927.2 is hereby enacted to read as
8 follows:

9 Art. 927.2. Unexhausted claims

10 A. A petitioner shall submit an unexhausted claim to the state district court
11 within thirty days of the granting of a stay from a federal court if all of the following
12 have occurred:

13 (1) The petitioner failed to raise a claim for post-conviction relief in state
14 district court.

15 (2) The petitioner raised a claim for post-conviction relief in a petition for
16 a federal habeas corpus proceeding.

17 (3) A federal court stayed the habeas corpus proceeding to allow the
18 petitioner to exhaust the claim in state district court.

19 B. An application that raises an unexhausted claim shall establish all of the
20 following:

1 (1) That the petitioner had good cause for failing to raise the claim in prior
2 post-conviction applications.

3 (2) That the claim is not plainly without merit.

4 (3) That the petitioner has not intentionally engaged in any dilatory litigation
5 tactics.

6 C. The failure of the petitioner to satisfy any requirement in Paragraph A or
7 B of this Article shall result in dismissal of the application.

8 D. The provisions of Article 927.1 shall apply to any application that is filed
9 pursuant to this Article.

10 E. The state district court shall expedite its consideration and resolution of
11 an unexhausted claim.

12 F. If any party invokes the supervisory jurisdiction of the Louisiana Supreme
13 Court to review the state district court's resolution of the unexhausted claim, the
14 Louisiana Supreme Court shall give priority consideration to and expedite its review
15 of the claim.

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 336 Original

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Mike Johnson

Abstract: Provides relative to unexhausted claims in applications for post-conviction relief.

Proposed law requires a petitioner to submit an unexhausted claim to the state district court within 30 days of the granting of a stay from a federal court if all of the following have occurred:

- (1) The petitioner failed to raise a claim for post-conviction relief in state district court.
- (2) The petitioner raised a claim for post-conviction relief in a petition for a federal habeas corpus proceeding.
- (3) A federal court stayed the habeas corpus proceeding to allow the petitioner to exhaust the claim in state district court.

Proposed law provides for the contents to be included within an application that raises an unexhausted claim.

Proposed law provides for dismissal of the application upon the failure of the petitioner to satisfy any requirement in proposed law.

Proposed law provides that present law (C.Cr.P. Art. 927.1), relative to abandonment of applications, applies to any application that is filed pursuant to proposed law.

Proposed law requires the state district court to expedite its consideration and resolution of an unexhausted claim.

Proposed law requires the La. Supreme Court to give priority consideration to and expedite its review of an unexhausted claim if any party invokes the supervisory jurisdiction of the supreme court.

(Adds C.Cr.P. Art. 927.2)