

2026 Regular Session

SENATE BILL NO. 81

BY SENATOR MORRIS

CRIMINAL PROCEDURE. Provides relative to waiver of a trial by jury in a noncapital felony case. (See Act)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 780(C), relative to the right to waive  
3 trial by jury; to provide for requiring written prosecutorial consent to jury trial  
4 waivers in noncapital felony cases; to provide for effectiveness; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Art. 780(C) is hereby amended and reenacted  
8 to read as follows:

9 Art. 780. Right to waive trial by jury

10 \* \* \*

11 C. ~~With the consent of the district attorney the defendant may waive trial by~~  
12 ~~jury within forty-five days prior to the commencement of trial~~ **The court shall deny**  
13 **a defendant's motion to waive a jury trial unless the prosecuting authority**  
14 **provides written consent to the waiver.**

15 \* \* \*

16 Section 2. This Act shall take effect and become operative if and when the proposed  
17 amendment to Article I, Section 17(A) of the Constitution of Louisiana contained in the Act

1 which originated as Senate Bill No. 97 of the 2026 Regular Session of the Legislature is  
2 finally adopted at a statewide election and becomes effective.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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## DIGEST

SB 81 Engrossed

2026 Regular Session

Morris

Present law provides that a defendant in a noncapital case may knowingly, intelligently, irrevocably, and unilaterally waive his right to a jury trial up to 45 days prior to the commencement of trial. Present law further provides that he may, with the consent of the district attorney, waive his right to a jury trial within 45 days of the commencement of trial.

Proposed law provides that a defendant in a noncapital case may waive his right to a jury trial at any time prior to the commencement of trial with the written consent of the prosecuting authority.

Proposed law otherwise retains present law.

Effective only if the proposed amendment to La. Const. Art. I, Sec. 17(A) which originated as Senate Bill No. 97 of the 2026 Regular Session is adopted at a statewide election and becomes effective.

(Amends C.Cr.P. Art. 780(C))