
DIGEST

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HB 1012 Original

2016 Regular Session

Seabaugh

Abstract: Provides procedures for giving notice in certain cases that the district attorney seeks to impose the death penalty.

Proposed law defines a "capital case" as any case in which a sentence of death has been imposed or any case in which the district attorney has filed a notice of intent to seek the death penalty.

Proposed law provides that a district attorney seeking the imposition of the death penalty in a first degree murder case shall file a written notice of intent to seek the death penalty within six months of the filing of an indictment for first degree murder. If an indictment for a lesser offense is amended to an indictment for first degree murder, the date of the original indictment shall commence the running of the six-month period. If the district attorney fails to file a timely notice of intent to seek the death penalty, the state cannot seek to impose the death penalty for the indicted offense. Provides for exceptions upon a showing of good cause.

Proposed law provides that the district attorney may not set a capital case for trial for six months from the filing of a notice of intent to seek the death penalty unless either of the following occur:

- (1) The defendant has filed a motion for speedy trial either pro se or through counsel and does not abandon that motion.
- (2) The defendant consents thereto in writing.

Proposed law provides that if the district attorney files a notice of intent to seek the death penalty after six months from the date of indictment, he must show cause at a contradictory hearing as to why the deadline should be extended in the interests of justice.

(Adds C.Cr.P. Arts. 501-503 and 702.1 and R.S. 15:143(2.5))