

RÉSUMÉ DIGEST

ACT 104 (HB 336)

2026 Regular Session

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New law requires a petitioner to file an unexhausted claim in the state district court for the parish where the petitioner was convicted 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.

New law provides the contents for inclusion within an application that raises an unexhausted claim.

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

New law provides that existing law (C.Cr.P. Arts. 926 and 927.1), relative to petitions and abandonment of applications, applies to any application filed pursuant to new law.

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

New 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.

Effective August 1, 2026.

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