

SENATE BILL NO. 659

BY SENATOR MARTINY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

AN ACT

To amend and reenact Code of Criminal Procedure Articles 521, 717, the introductory paragraph of 718 and 718(1) and 729.6 and to enact Code of Criminal Procedure Articles 434.1 and 725.1, relative to criminal discovery; to provide for exceptions to grand jury secrecy; to provide relative to pretrial discovery motions; to provide relative to disclosure of certain evidence and records; to provide relative to disclosure of certain witness information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 521, 717, the introductory paragraph of 718 and 718(1) and 729.6 are hereby amended and reenacted and Code of Criminal Procedure Articles 434.1 and 725.1 are hereby enacted to read as follows:

Art. 434.1. Exceptions to grand jury secrecy

A. Notwithstanding the provisions of Article 434, the state may disclose to state or federal prosecutors or law enforcement officers, or to investigators on the staff of the district attorney or attorney general, or to expert witnesses, information and documents provided to a grand jury. Any person to whom such disclosure is made shall not engage in further disclosure of the material and shall use the disclosed material solely for purposes of investigation of criminal offenses and enforcement of criminal laws.

B. The district attorney shall also disclose to the defendant material evidence favorable to the defendant that was presented to the grand jury.

C. The district attorney may also disclose to a witness at trial, including the defendant if the defendant testifies, any statement of the witness before the grand jury that is inconsistent with the testimony of that witness.

* * *

Art. 521. Time for filing of pretrial motions

A. Pretrial motions shall be made or filed within fifteen days after

1 arraignment, unless a different time is provided by law or fixed by the court at
2 arraignment upon a showing of good cause why fifteen days is inadequate.

3 B. Upon written motion at any time and a showing of good cause, the court
4 shall allow additional time to file pretrial motions.

5 C. If by pretrial motion the state or the defendant requests discovery or
6 disclosure of evidence favorable to the defendant, then the court shall fix a time
7 by which the state or the defendant shall respond to the motion.

8 * * *

9 Art. 717. ~~Defendant's prior criminal record~~ Disclosure by the state; criminal
10 records of defendant and witnesses; inducements to the state's
11 witnesses

12 A. On ~~Upon~~ motion of the defendant, the court shall order the district
13 attorney ~~or the~~ to disclose, or to direct the appropriate law enforcement agency to
14 disclose, and furnish to defendant, ~~a copy of any~~ the record of his criminal arrests
15 and convictions ~~that is in their possession or custody~~ of the defendant, any co-
16 defendant, and any witness to be called by the state in its case in chief.

17 B. The district attorney shall also disclose any inducement offered by the
18 district attorney, or by any law enforcement officer on behalf of the district
19 attorney, to secure the testimony of the witness in the case in chief of the state.

20 C. The time for disclosure provided for by this Article shall be set by the
21 court, provided that the district attorney shall not be required to disclose
22 inducements or records of arrests and convictions until the commencement of
23 trial.

24 Art. 718. Documents and tangible objects

25 Subject to the limitation of Article 723, and except as otherwise prohibited
26 by law, on motion of the defendant, the court shall order the district attorney to
27 permit or authorize the defendant, or an expert working with the defendant, to
28 inspect, copy, examine, test scientifically, photograph, or otherwise reproduce books,
29 papers, documents, photographs, tangible objects, buildings, places, or copies or
30 portions thereof, ~~which~~ that are within the possession, custody, or control of the

1 state, and ~~which~~ **that**:

2 (1) are favorable to the defendant and ~~which~~ **that** are material and relevant
3 to the issue of guilt or punishment, or

4 * * *

5 **Art. 725.1. Disclosure by the defendant; names of defense witnesses**

6 **If the defendant moves, pursuant to Article 717, for disclosure of the**
7 **records of arrests and convictions of witnesses to be called by the state in its**
8 **case in chief, the defendant shall disclose to the district attorney, prior to those**
9 **witnesses being sworn, the name and date of birth of the witnesses to be called**
10 **by the defendant in his case in chief.**

11 * * *

12 Art. 729.6. Applicability of discovery

13 The rules of this Chapter shall be applied in all criminal cases ~~which are to~~
14 ~~be~~ tried in the district, **parish, and city court courts**. They shall be applicable
15 following **the** institution of ~~the criminal~~ prosecution by the return of a grand jury
16 indictment, ~~or the filing of a bill of information, by the district attorney~~ **or the filing**
17 **of an affidavit charging an offense. However, the rules of this Chapter do not**
18 **apply in city and parish courts to cases in which prosecution is instituted by**
19 **affidavit for violations of city or parish ordinances defining traffic offenses.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____