

Regular Session, 2010

HOUSE BILL NO. 385

BY REPRESENTATIVE BALDONE

COURTS/CRIMINAL: Provides for a uniform form notifying criminal defendants of certain rights

1 AN ACT

2 To enact Code of Criminal Procedure Article 556.1(A)(5), relative to the rights of criminal
3 defendants; to provide for a uniform form notifying defendants of their rights; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 556.1(A)(5) is hereby enacted to read
7 as follows:

8 Art. 556.1. Plea of guilty or nolo contendere in felony cases; duty of court

9 A.

10 * * *

11 (5) The court shall advise the defendant of his rights provided for in this
12 Article by using a uniform form approved by the Supreme Court of Louisiana.

13 * * *

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)]

Baldone

HB No. 385

Abstract: Provides that the court shall advise criminal defendants of certain rights using a uniform form.

Present law requires courts to inform defendants in felony cases of the following prior to accepting a plea of guilty or nolo contendere:

- (1) Nature of the charge and the minimum and maximum penalties provided by law.

- (2) Right to an attorney.
- (3) Right to plead not guilty.
- (4) Right to trial by jury.
- (5) Right to assistance of counsel.
- (6) Right to confront and cross-examine witnesses.
- (7) Right not to be compelled to incriminate himself.
- (8) Waiver of the right to a trial if he pleads guilty or nolo contendere.

Proposed law provides that the court shall advise defendants of these present law rights using a uniform form approved by the Supreme Court of La.

(Adds C.Cr.P. Art 556.1(A)(5))