HLS 20RS-955 ORIGINAL

2020 Regular Session

HOUSE BILL NO. 436

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BY REPRESENTATIVE MARCELLE

CRIMINAL/PROCEDURE: Provides relative to the maximum time for appearance before a judge

AN ACT

2 To amend and reenact Code of Criminal Procedure Article 230.1(A), relative to the 3 maximum time for appearance before a judge; to provide relative to the time period 4 within which a person shall appear before a judge; to remove the exclusion of 5 Saturdays, Sundays, and legal holidays in the computation of time for appearance of 6 an arrested person before a judge; and to provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. Code of Criminal Procedure Article 230.1(A) is hereby amended and 9 reenacted to read as follows: 10 Art. 230.1. Maximum time for appearance before judge for the purpose of 11 appointment of counsel; court discretion to fix bail at the appearance; 12 extension of time limit for cause; effect of failure of appearance 13 A. The sheriff or law enforcement officer having custody of an arrested 14 person shall bring him promptly, and in any case within seventy-two hours from the 15 time of the arrest, before a judge for the purpose of appointment of counsel. 16 Saturdays, Sundays, and legal holidays shall be excluded in computing the seventy-17 two-hour period referred to herein. The defendant shall appear in person unless the 18 court by local rule provides for such appearance by telephone or audio-video 19 electronic equipment. However, upon a showing that the defendant is incapacitated, unconscious, or otherwise physically or mentally unable to appear in court within 20

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

seventy-two hours, then the defendant's presence is waived by law, and a judge shall appoint counsel to represent the defendant within seventy-two hours from the time of arrest.

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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)]

HB 436 Original

2020 Regular Session

Marcelle

Abstract: Removes the exclusion of Saturdays, Sundays, and legal holidays in the computation of time for appearance of an arrested person before a judge.

<u>Present law</u> requires a sheriff or law enforcement officer having custody of an arrested person to bring him promptly, and in any case within 72 hours from the time of the arrest, before a judge for the purpose of appointment of counsel. Further provides that Saturdays, Sundays, and legal holidays shall be excluded in computing the 72-hour period.

<u>Proposed law</u> amends <u>present law</u> to remove the exclusion of Saturdays, Sundays, and legal holidays in the computation of the 72-hour period.

(Amends C.Cr.P. Art. 230.1(A))