

Regular Session, 2010  
HOUSE BILL NO. 608  
BY REPRESENTATIVE WHITE

# ACT No. 260

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 230.2(A), relative to probable  
3 cause determinations; to authorize the use of facsimile or other electronic means to  
4 transmit affidavits or other written evidence in probable cause determinations; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 230.2(A) is hereby amended and  
8 reenacted to read as follows:

9 Art. 230.2. Probable cause determinations; persons arrested without a warrant and  
10 continued in custody

11 A. A law enforcement officer effecting the arrest of a person without a  
12 warrant shall promptly complete an affidavit of probable cause supporting the arrest  
13 of the person and submit ~~the same~~ it to a magistrate. Persons continued or remaining  
14 in custody pursuant to an arrest made without a warrant shall be entitled to a  
15 determination of probable cause within forty-eight hours of arrest. The probable  
16 cause determination shall be made by a magistrate and shall not be an adversary  
17 proceeding. The determination may be made without the presence of the defendant  
18 and may be made upon affidavits or other written evidence, which may be  
19 transmitted to the magistrate by means of facsimile transmission or other electronic

