## Regular Session, 2010

#### HOUSE BILL NO. 608

# ENROLLED ACT NO. 260

#### BY REPRESENTATIVE WHITE

(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

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

- 1 means. A magistrate's determination of probable cause hereunder shall not act as a 2 waiver of a person's right to a preliminary examination pursuant to Article 292. 3
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## SPEAKER OF THE HOUSE OF REPRESENTATIVES

# PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_