

Regular Session, 2010

SENATE BILL NO. 380

BY SENATOR MORRELL

CRIMINAL PROCEDURE. Provides for motions to sever an offense. (8/15/10)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact Code of Criminal Procedure Arts. 495.1 and 704, relative to severance of offenses; to provide for motions to sever criminal offenses and defendants under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Arts. 495.1 and 704 are hereby amended and reenacted to read as follows:

Art. 495.1. Severance of offenses

~~If it appears that a defendant or the state is prejudiced by a joinder of offenses in an indictment or bill of information or by such joinder for trial together, the court may order separate trials, grant a severance of offenses, or provide whatever other relief justice requires.~~

A. Jointly indicted offenses shall be tried jointly unless:

(1) The state elects to try them separately; or

(2) The court, on motion of the defendant, and after contradictory hearing with the district attorney, is satisfied that justice requires severance.

B. A motion to sever offenses shall be filed in writing, and shall be filed

