

SENATE BILL NO. 774

BY SENATORS CLAITOR AND DORSEY

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AN ACT

To amend and reenact Code of Criminal Procedure Article 912.1(A), relative to criminal procedure; to provide relative to the right to appeal in any case of conviction of a capital offense; to provide for notice of the right to waive such appeal; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 912.1(A) is hereby amended and reenacted to read as follows:

Art. 912.1. Right of appeal and application for review; defendant

A. (1) The defendant may appeal to the supreme court from a judgment in a capital case in which a sentence of death actually has been imposed.

(2) Except as provided in Code of Criminal Procedure Article 905.9, such defendant may waive his right of appeal. The defendant shall be informed, both in writing and orally, of this right to waive appeal upon appointment of appellate counsel.

* * *

Section 2. This Act shall become effective on October 1, 2010; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on October 1, 2010, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____