

2018 Regular Session

SENATE RESOLUTION NO. 193

BY SENATOR BISHOP

CRIMINAL JUSTICE. Requests law enforcement to ensure an accused's invocation of the right to counsel is recognized.

1 A RESOLUTION

2 To urge and request the Louisiana State Police, the sheriff of each parish, each chief of  
3 police, each district attorney, and the attorney general ensure that when any person  
4 arrested or detained in connection with the investigation or commission of any  
5 criminal offense is being interrogated, interviewed, or otherwise questioned by a law  
6 enforcement officer or district attorney, any reference made by the person to an  
7 "attorney", "lawyer", "counsel", or substantially similar term, shall be deemed an  
8 invocation of the right to assistance of counsel, and the interrogation, interview, or  
9 other questioning shall cease until such time as the person obtains counsel or counsel  
10 is appointed for the person.

11 WHEREAS, the United States Supreme Court, since its decision in *Miranda v.*  
12 *Arizona*, 384, U.S. 436 (1966), has applied the right to counsel to custodial interrogations;  
13 and

14 WHEREAS, Louisiana Constitution Article I states that one of the ends of  
15 government is to "secure justice for all"; and

16 WHEREAS, Article I, Section 13 of the Constitution of Louisiana of 1974 in part  
17 provides that when a person has been arrested or detained in connection with the  
18 investigation or commission of any offense in a criminal prosecution, at each stage of the

1 proceedings, every person is entitled to assistance of counsel; and

2 WHEREAS, Article 230 of the Code of Criminal Procedure ensures that a person  
3 arrested has, from the moment of his arrest, a right to procure and confer with counsel and  
4 to use a telephone or send a messenger for the purpose of communicating with his friends  
5 or with counsel; and

6 WHEREAS, Article 218.1 of the Code of Criminal Procedure requires, in part, that  
7 when any person has been arrested or detained in connection with the investigation or  
8 commission of any offense, he shall be advised fully of his right to the assistance of counsel  
9 and, if indigent, his right to court appointed counsel; and

10 WHEREAS, Article 511 of the Code of Criminal Procedure requires that the accused  
11 in every instance has the right to defend himself and to have the assistance of counsel.

12 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana  
13 does hereby urge and request the Louisiana State Police, the sheriff of each parish, each  
14 chief of police, each district attorney, and the attorney general ensure that when any person  
15 arrested or detained in connection with the investigation or commission of any criminal  
16 offense is being interrogated, interviewed, or otherwise questioned by a law enforcement  
17 officer or district attorney, any reference made by the person to an "attorney", "lawyer",  
18 "counsel", or substantially similar term, shall be deemed an invocation of the right to  
19 assistance of counsel, and the interrogation, interview, or other questioning shall cease until  
20 such time as the person obtains counsel or counsel is appointed for the person.

21 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
22 attorney general, superintendent of the Louisiana State Police, the executive director of the  
23 Louisiana Sheriffs' Association, Inc., the executive director of the Louisiana Chiefs of Police  
24 Association, and the Louisiana District Attorneys Association.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jerry J. Guillot.

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SR 193 Original

DIGEST  
2018 Regular Session

Bishop

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