

2025 Regular Session

LSLI Disposition Sheet for the Code of Criminal Procedure

Effective date is August 1, 2025 unless otherwise noted

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<u>LSA-R.S.</u>	<u>Effect</u>	<u>Act No.</u>	<u>Section</u>	<u>Sp. Eff. Dt.</u>
✓ Art. 14.1(B)	Amend	352	2	✓
✓ Art. 311(5)(Intro.Par.)	Amend	140	2	✓
✓ Art. 331(M)	Enact	149	1	
✓ Art. 334	Amend	63	1	
✓ Art. 571.1	Amend	346	2	✓
✓ Art. 648(B)(3)(i)	Amend	261	5	✓
✓ Art. 718.1(A)	Amend	261	5	✓
✓ Art. 718.1(B)	Amend	261	5	✓
✓ Art. 812	Amend	76	1	
✓ Art. 892(C)	Amend	46	1	
✓ Art. 893.2	Amend	52	1	06/04/2025 ✓
✓ Art. 893.3(A)	Amend	52	1	06/04/2025 ✓
✓ Art. 893.3(B)	Amend	52	1	06/04/2025 ✓
✓ Art. 893.3(C)	Amend	52	1	06/04/2025 ✓
✓ Art. 893.3(D)	Amend	52	1	06/04/2025 ✓
✓ Art. 893.3(E)(1)(a)	Amend	52	1	06/04/2025 ✓
✓ Art. 900(A)(6)(e)(i)(bb)	Amend	72	1	
✓ Art. 901(A)	Amend	72	1	
✓ Art. 901(D)	Enact	72	1	
R ✓ Art. 924 <sup>(4)</sup> <del>(3)</del>	Enact	393	1	
R ✓ Art. 924 <sup>(5)</sup> <del>(6)</del>	Enact	393	1	
✓ Art. 926(B)	Amend	393	1	
✓ Art. 926(E)	Amend	393	1	
✓ Art. 926(F)	Enact	393	1	
✓ Art. 926(G)	Enact	393	1	
✓ Art. 926.2(A)	Amend	393	1	

✓ Art. 926.2(B)(2)	-----Amend-----	393	----- 1
✓ Art. 926.2(B)(3)(Intro.Par.)	-----Amend-----	393	----- 1
✓ Art. 926.4	-----Enact-----	393	----- 1
✓ Art. 927	-----Amend-----	393	----- 1
✓ Art. 927.1	-----Enact-----	393	----- 1
✓ Art. 928	-----Repeal-----	393	----- 3 ✓
✓ Art. 930(A)	-----Amend-----	393	----- 1
✓ Art. 930(C)	-----Amend-----	393	----- 1
✓ Art. 930.2	-----Amend-----	393	----- 1
✓ Art. 930.4(A)	-----Amend-----	393	----- 1
✓ Art. 930.4(D)	-----Amend-----	393	----- 1
✓ Art. 930.4(E)	-----Amend-----	393	----- 1
✓ Art. 930.4(F)	-----Amend-----	393	----- 1
✓ Art. 930.4(G)	-----Amend-----	393	----- 1
✓ Art. 930.4(H)	-----Enact-----	393	----- 1
✓ Art. 930.5	-----Amend-----	393	----- 1
✓ Art. 930.6(B)	-----Amend-----	393	----- 1
✓ Art. 930.6(C)	-----Repeal-----	393	----- 3 ✓
✗ Art. 930.8(A)(Intro.Par.)	----- <del>Amend</del> -----	393	----- 1
	NOT AMENDED		
✓ Art. 930.8(A)(2)	-----Amend-----	393	----- 1
✓ Art. 930.8(A)(3)	-----Amend-----	393	----- 1
✓ Art. 930.8(A)(4)	-----Amend-----	393	----- 1
✓ Art. 930.8(B)	-----Amend-----	393	----- 1
✓ Art. 930.8(C)	-----Amend-----	393	----- 1
✓ Art. 930.8(D)	-----Amend-----	393	----- 1
✓ Art. 930.8(E)	-----Amend-----	393	----- 1
✓ Art. 930.8(F)	-----Enact-----	393	----- 1
✓ Art. 930.10	-----Repeal-----	393	----- 3 ✓
✓ Art. 930.11	-----Enact-----	393	----- 1

Approved by JWB on 7-30-25  
(Attorney)

MW on 7/30/2025  
(Revisor)

# ACT 352

ENROLLED

2025 Regular Session

HOUSE BILL NO. 310

BY REPRESENTATIVE ZERINGUE

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AN ACT

To amend and reenact ~~Code of Civil Procedure Article 253(B)(2)~~ and ~~Code of Criminal Procedure Article 14.1(B)~~ and to enact Code of Civil Procedure Article 253(B)(3), relative to civil and criminal court filings; to provide that civil and criminal court filings shall be filed in person in paper form or electronically; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 253(B)(2) is hereby amended and reenacted and Code of Civil Procedure Article 253(B)(3) is hereby enacted to read as follows:

Art. 253. Pleadings, documents, and exhibits to be filed with clerk

\* \* \*

B.

\* \* \*

(2) On and after January 1, 2026, all filings as provided in Paragraph A of this Article and all other provisions of this Chapter filed by an attorney shall only be filed in person in paper form or transmitted electronically in accordance with a system established by a clerk of court or by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for ensuring that private information is not included in filings. No filing shall include the first five digits of any social security number, tax identification numbers, state identification numbers, driver's license numbers, financial account numbers, full dates of birth, or any information protected from disclosure by state or federal law. The clerk of court shall adopt a system for

1 the electronic filing and storage of any pleading, document, or exhibit filed with a  
2 pleading. A pleading or document filed electronically is deemed filed on the date  
3 and time stated on the confirmation of electronic filing sent from the system, if the  
4 clerk of court accepts the electronic filing. Public access to electronically filed  
5 pleadings and documents shall be in accordance with the rules governing access to  
6 paper filings.

7 (3) Notwithstanding the provisions of Subparagraph (B)(2) of this Article, the Paragraph  
8 following original documents may be filed in paper form, either in person, by U.S.  
9 mail, or by commercial courier:

10 (a) An original will or testament filed and retained in accordance with Code  
11 of Civil Procedure Article 2911.

12 (b) An original promissory note, other instrument, or any evidence required  
13 to be in authentic form in accordance with Code of Civil Procedure Article 2635.

14 (c) Motions for default judgment which do not require a hearing in open  
15 court pursuant to Code of Civil Procedure Articles 1702 and 1702.1 and supporting  
16 attached documentation.

17 (d) Documents which are required to be original in order to support or  
18 defend against a claim.

19 \* \* \*

20 Section 2. Code of Criminal Procedure Article 14.1(B) is hereby amended and  
21 reenacted to read as follows:

22 Art. 14.1. Electronic filings

23 \* \* \*


24 B. Beginning January 1, 2026, all filings as provided in this Article and all  
25 other provisions of this Code filed by an attorney shall only be filed in person in  
26 paper form or transmitted electronically in accordance with a system established by  
27 a clerk of court or by the Louisiana Clerks' Remote Access Authority. The filer shall  
28 be responsible for ensuring that private information is not included in filings. No  
29 filing shall include the first five digits of any social security number, tax  
30 identification numbers, state identification numbers, driver's license numbers,

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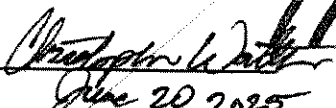
financial account numbers, full dates of birth, or any information protected from disclosure by state or federal law. The clerk of court shall adopt a system for the electronic filing and storage of any pleading, document, or exhibit other than those documents or exhibits introduced and filed at a hearing or trial. Furthermore, in a court that accepts electronic filings in accordance with this Paragraph, the official record shall be the electronic record. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to written filings.

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\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

  
\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:   
June 20, 2025

# ACT 140

ENROLLED

2025 Regular Session

HOUSE BILL NO. 100

BY REPRESENTATIVE LYONS AND SENATOR BARROW

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AN ACT

To amend and reenact the heading of Part III of Chapter 10 of Title 15 of the Louisiana Revised Statutes of 1950 and R.S. ~~15:1313~~(Section heading), (A), (B)(introductory paragraph), and (C) and 1318(H)(introductory paragraph) and ~~Code of Criminal Procedure~~ Article 311(5)(introductory paragraph) and to enact R.S. 15:1302(21) and 1318(E)(3) and (H)(6), relative to bail bond enforcement; to provide for definitions; to provide for penalties; to provide for eligibility to obtain an order for the use of a cellular tracking device; to provide for the reporting of information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part III of Chapter 10 of Title 15 of the Louisiana Revised Statutes of 1950 and R.S. 15:1313(Section heading), (A), (B)(introductory paragraph), and (C) and 1318(H)(introductory paragraph) are hereby amended and reenacted and R.S. 15:1302(21) and 1318(E)(3) and (H)(6) are hereby enacted to read as follows:

§1302. Definitions

As used in this Chapter:

\* \* \*

(21) "Bail enforcement agent" means a licensed bail agent who engages in the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted.

\* \* \*

PART III. PEN REGISTERS, ~~AND~~ TRAP AND TRACE DEVICES, AND CELLULAR TRACKING DEVICES

§1313. Pen registers, and trap and trace devices, and cellular tracking devices; use prohibited

A. Except as provided in this Section, no person ~~may~~ shall do any of the following:

(1) ~~install~~ Install or use a pen register, or a trap and trace device, or a cellular tracking device without first obtaining a court order under R.S. 15:1315 or 1318 of this Part.

(2) Install or use a pen register, trap and trace device, or a cellular tracking device in an unauthorized manner or for any purpose not related to an ongoing law enforcement investigation pursuant to the applicable court order obtained under R.S. 15:1315 or 1318 of this Part.

B. The prohibition of this Section does not apply with respect to the use of a pen register, or a trap and trace device, or a cellular tracking device by a provider of a wire or electronic communication service:

\* \* \*

C.(1) Whoever intentionally violates Subsection A of this Section shall be fined not more than five thousand dollars, or imprisoned with or without hard labor for not more than one year, or both.

(2) In addition to the penalties provided in Paragraph (1) of this Subsection, a bail enforcement agent who intentionally violates Paragraph (A)(2) of this Section shall be punished as follows:

(a) Upon a first conviction, the agent shall be fined not more than two thousand five hundred dollars and his bail bond producer license shall be suspended for a period of six months.

(b) Upon a second or subsequent conviction, the bail bond producer license of the agent shall be permanently revoked.

\* \* \*

1 §1318. Issuance of an order for a cellular tracking device

2 \* \* \*

3 E. An order authorizing or approving the use of a cellular tracking device  
4 shall direct that:

5 \* \* \*

6 (3) If the approved applicant is a bail enforcement agent, the applicant shall  
7 enter into the court record all information that is collected and obtained from the  
8 investigation pursuant to the applicable court order.

9 \* \* \*

10 H. For the purposes of this Section and R.S. 15:1317<sup>✓</sup> Part, "investigative or  
11 law enforcement officer" means:

12 \* \* \*

13 (6) A bail enforcement agent when both of the following have occurred  
14 relative to the defendant who is the subject of the order:

15 (a) A bail undertaking with a commercial surety is in place for the defendant.

16 (b) A bench warrant has been issued for the defendant's failure to appear.

17 Section 2. Code of Criminal Procedure Article 311(5)(introductory paragraph) is  
18 hereby amended and ~~re-enacted~~ to read as follows:

19 Art. 311. Definitions

20 For the purpose of this Title,<sup>✓</sup> the following definitions shall apply:

21 \* \* \*

22 (5) A surety's motion and affidavit for issuance of warrant may be filed when  
23 the defendant is found incarcerated in another parish of the state of Louisiana or a  
24 foreign jurisdiction and a warrant has not been issued by the court or in which the  
25 bail obligation is in place. In such instances, the surety may file a motion with the  
26 court requesting a warrant be issued when the following conditions have been met:

27 \* \* \*



# ACT 149

ENROLLED

2025 Regular Session

HOUSE BILL NO. 141

BY REPRESENTATIVE HUGHES

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AN ACT

To enact ~~Code of Criminal Procedure~~ Article 331(M), relative to bail; to provide relative to the discharge of bail obligations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 331(M) is hereby enacted to read as follows:

Art. 331. Discharge of bail obligation

\* \* \*

M. At any time prior to the defendant's failure to appear or within one hundred eighty days after the notice of warrant for arrest is sent, the surety may file proof of the defendant's deportation with the clerk of court. If the surety is unable to obtain proof of deportation, the surety or the court may invoke a contradictory hearing in order to establish proof of the defendant's deportation. If the court determines that the defendant's deportation has occurred, the surety shall be fully and finally discharged and relieved of any and all obligations under the bail undertaking.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: Angélique Noel June 8, 2025

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

# ACT 63

ENROLLED

2025 Regular Session

HOUSE BILL NO. 143

BY REPRESENTATIVE MENA

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AN ACT

To amend and reenact ~~Code of Criminal Procedure~~ Article 334, relative to bail; to provide relative to notice of warrant for arrest; to provide for additional recipients of a notice of warrant for arrest; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 334 is hereby amended and reenacted to read as follows:

Art. 334. Notice of warrant ~~of~~ for arrest

After a warrant for arrest is issued, the clerk of court shall, within sixty days of the defendant's failure to appear, send a notice of warrant for arrest to the prosecuting attorney. The notice shall also be sent by United States mail or electronic means to the defendant, the bail agent or bondsman, if any, and the personal surety. Notice shall be sent by electronic means or by certified mail return receipt requested to the commercial surety. When the agent or bondsman has filed a "Notice of Electronic Notification Opt In" form with the clerk of court, the notice of warrant for arrest shall be sent to the agent or bondsman by electronic means. All notices shall be sent to the addresses provided pursuant to Article 329 or an address registered with the Louisiana Department of Insurance. The notice to the commercial surety shall include the power of attorney number used to execute the bail undertaking. Failure to include the power of attorney number shall not affect the validity or enforcement of a resulting judgment. After sending the notice of warrant for arrest, the clerk of court shall execute a certificate that notice was sent and place

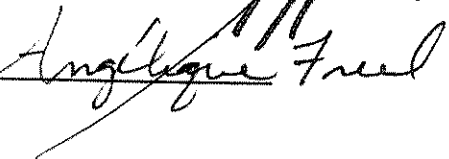
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the certificate in the record. Failure to send notice to the commercial surety and the agent or bondsman who has opted into electronic notification within sixty days of the defendant's failure to appear shall release the surety of all obligations under the bail undertaking.

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

  
\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 4, 2025

# ACT 346

ENROLLED

2025 Regular Session

HOUSE BILL NO. 67

BY REPRESENTATIVES HORTON, ADAMS, AMEDEE, BACALA, BOYER, BRYANT,  
BUTLER, COX, DEVILLIER, ECHOLS, EDMONSTON, FIRMENT, FISHER,  
KERNER, JACOB LANDRY, MOORE, OWEN, PHELPS, SCHLEGEL, SPELL,  
THOMPSON, WILDER, WILEY, AND ZERINGUE

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AN ACT

To amend and reenact ~~Code of Criminal Procedure~~ Article 571.1 and ~~Code of Evidence~~  
Article 804(B)(5) and to enact R.S. 14:42.1(A)(3), relative to sex offenses involving  
minors; to provide for an additional circumstance that constitutes second degree  
rape; to provide relative to the time limitations upon which to institute prosecution  
for certain sex offenses; to provide relative to hearsay exceptions in certain  
circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:42.1(A)(3) is hereby enacted to read as follows:

§42.1. Second degree rape

A. Second degree rape is rape committed when the anal, oral, or vaginal  
sexual intercourse is deemed to be without the lawful consent of the victim because  
it is committed under any one or more of the following circumstances:

\* \* \*

(3) When the offender acts without the consent of the victim, the victim is  
thirteen years of age or older but less than seventeen years of age, and the difference  
between the age of the victim and the age of the offender is three years or greater.

Lack of knowledge of the victim's age shall not be a defense.

\* \* \*

1 Section 2. Code of Criminal Procedure Article 571.1 is hereby amended and  
2 reenacted to read as follows:

3 Art. 571.1. Time limitation for certain sex offenses

4 Except as provided by Article <sup>✓</sup>571, <sup>✓</sup>572, or any other provision of law that  
5 establishes a longer period of limitation, the time within which to institute  
6 prosecution of the ~~following sex offenses, regardless of whether the crime involves~~  
7 ~~force, serious physical injury, death, or is punishable by imprisonment at hard labor~~  
8 ~~shall be thirty years: attempted first degree rape, also formerly titled aggravated rape~~  
9 ~~(R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible~~  
10 ~~rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual~~  
11 ~~battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S.~~  
12 ~~14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3),~~  
13 ~~felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles~~  
14 ~~(R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), prostitution of persons~~  
15 ~~under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime~~  
16 ~~against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime~~  
17 ~~against nature by solicitation (R.S. 14:89.2(B)(3)) that involves a victim under~~  
18 ~~eighteen years of age: perpetration or attempted perpetration of, conspiracy to~~  
19 ~~commit, or commission of any sex offense as defined in R.S. 15:541(24) that~~  
20 ~~involves a victim under eighteen years of age shall be thirty years. This thirty-year~~  
21 ~~period begins to run when the victim attains the age of eighteen.~~

22 Section 3. Code of Evidence Article 804(B)(5) is hereby amended and reenacted to  
23 read as follows:

24 Art. 804. Hearsay exceptions; declarant unavailable

25 \* \* \*

26 B. Hearsay exceptions. The following are not excluded by the hearsay rule  
27 if the declarant is unavailable as a witness:


28 \* \* \*

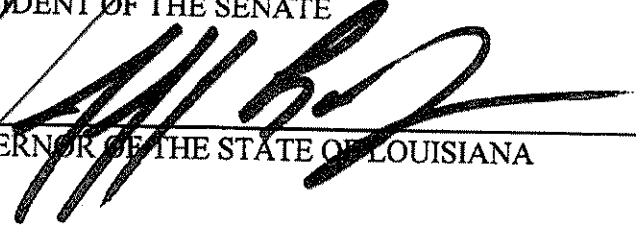
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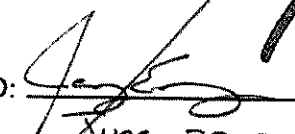
(5) Complaint of sexually assaultive behavior. A statement made by a person under the age of ~~twelve~~ thirteen years and the statement is one of initial or otherwise trustworthy complaint of sexually assaultive behavior.

\* \* \*

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

  
\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:   
June 20, 2025

**ACT 261**  
**2025 Regular Session**  
**Edit Sheet**

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Classification CC

- NOTE §§ 819
- COPY PGS. 1, 15-16

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Classification CAC

- NOTE §§ 819
- COPY PGS. 1, 14-16

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Edits To: CCRP Pgs. 13

- Note: - NOTE §§ 819  
- COPY PGS. 1, 12-16

# ACT 261

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ENROLLED

2025 Regular Session

Ed/As To: All Pgs. \_\_\_\_\_  
Note: - SEE ATTACHED EDIT SHEET

HOUSE BILL NO. 268

BY REPRESENTATIVES LAFLEUR, ADAMS, BACALA, BAYHAM, BERAULT, BILLINGS, BOYD, BOYER, BRASS, BRYANT, CARLSON, CARRIER, CARVER, CHASSION, CHENEVERT, COATES, COX, DEVILLIER, DEWITT, DICKERSON, EDMONSTON, EGAN, FISHER, HORTON, HUGHES, JACKSON, JORDAN, KNOX, LACOMBE, JACOB LANDRY, LARVADAIN, LYONS, MOORE, NEWELL, OWEN, ROMERO, SCHLEGEL, SPELL, TAYLOR, THOMPSON, WALTERS, WYBLE, AND YOUNG

## AN ACT

To amend and reenact R.S. ~~14:73.8~~ (A), (C), and (D), 81.1(A), (B)(8) and (9), (E)(1) through (4) and (5)(a) and (b), (F)(2), (3)(b) and (c), (4), and (5)(introductory paragraph) and (d), 89.1(A)(2)(b)(i), 91.2(B), and 91.5(A)(1), R.S. ~~15:537~~(A), 539.1(F)(introductory paragraph), 541(24)(a) and (25)(d), 543.1(18), 545.1(C), and 1352(A)(45), R.S. ~~17:100.7~~(A)(1), R.S. ~~46:51.2~~(C)(1)(a), ~~Code of Criminal Procedure~~ Articles 648(B)(3)(i) and 718.1(A) and (B), ~~Children's Code~~ Articles 502(3) and (4)(I), 603(8) and (12)(I), and 610(F), and ~~Civil Code~~ Article 2315.3 and to enact R.S. 14:81.1(I) and R.S. 15:541(24)(c), relative to pornography involving juveniles; to change all references of "pornography involving juveniles" to "child sexual abuse materials"; to provide relative to the effects of these changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. ~~14:73.8~~(A), (C), and (D), 81.1(A), (B)(8) and (9), (E)(1) through (4) and (5)(a) and (b), (F)(2), (3)(b) and (c), (4), and (5)(introductory paragraph) and (d), 89.1(A)(2)(b)(i), 91.2(B), and 91.5(A)(1) are hereby amended and reenacted and R.S. 14:81.1(I) is hereby enacted to read as follows:

§73.8. Unauthorized use of a wireless router system; ~~pornography involving juveniles~~ child sexual abuse materials; penalty

A. Unauthorized use of a wireless router system is the accessing or causing to be accessed of any computer, computer system, computer network, or any part thereof via any wireless router system for the purposes of uploading, downloading,

1 but not be limited to prohibitions against accessing sites containing information on  
2 the manufacturing or production of bombs or other incendiary devices.

3 \* \* \*

4 Section 4. R.S. 46:51.2(C)(1)(a) is hereby amended and ~~reenacted~~ to read as follows:

5 §51.2. Criminal history and central registry information

6 \* \* \*

7 C.(1) No prospective foster or adoptive parent or relative guardian shall be  
8 finally approved for placement of a child or to receive kinship guardian assistance  
9 payments until it is determined that the prospective foster or adoptive parent, or  
10 relative guardian and any other adult living in the home of the relative guardian, does  
11 not have any of the following:

12 (a) A felony conviction for child abuse or neglect; for spousal abuse; for a  
13 crime against children, including child pornography or child sexual abuse materials;  
14 or for a crime involving violence including rape, sexual assault, or homicide, but not  
15 including other assault or battery.

16 \* \* \*

17 Section 5. Code of Criminal Procedure Articles 648(B)(3)(i) and 718.1(A) and (B),  
18 are hereby amended and ~~reenacted~~ to read as follows:

19 Art. 648. Procedure after determination of mental capacity or incapacity

20 \* \* \*

21 B.

22 \* \* \*

23 (3) If, after the hearing, the court determines that the incompetent defendant  
24 is unlikely in the foreseeable future to be capable of standing trial, the court shall  
25 order the defendant released or remanded to the custody of the Louisiana Department  
26 of Health which, within ten days exclusive of weekends and holidays, may institute  
27 civil commitment proceedings pursuant to Title 28 of the Louisiana Revised Statutes  
28 of 1950, or release the defendant. The defendant shall remain in custody pending  
29 such civil commitment proceedings. If the defendant is committed to a treatment  
30 facility pursuant to Title 28 of the Louisiana Revised Statutes of 1950, the director

1 of the institution designated for the patient's treatment shall, in writing, notify the  
 2 court and the district attorney when the patient is to be discharged or conditionally  
 3 discharged, as long as the charges are pending. If not dismissed without prejudice  
 4 at an earlier trial, charges against an unrestorable incompetent defendant shall be  
 5 dismissed on the date upon which his sentence would have expired had he been  
 6 convicted and received the maximum sentence for the crime charged, or on the date  
 7 five years from the date of his arrest for such charges, whichever is sooner, except  
 8 for the following charges:

\* \* \*

9  
 10 (i) R.S. 14:81.1 (~~pornography involving juveniles~~ child sexual abuse  
 11 materials).

\* \* \*

12  
 13 Art. 718.1. Evidence of obscenity, video voyeurism, ~~pornography involving~~  
 14 ~~juveniles~~ child sexual abuse materials, or unlawful posting of criminal  
 15 activity for notoriety and publicity; prohibition on reproduction of  
 16 ~~pornography involving juveniles~~ child sexual abuse materials

17 A. In any criminal proceeding, any property or material that is alleged to  
 18 constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully  
 19 possessed, video voyeurism as defined in R.S. 14:283, ~~pornography involving~~  
 20 ~~juveniles~~ child sexual abuse materials as defined in R.S. 14:81.1, or unlawful posting  
 21 of criminal activity for notoriety and publicity as defined in R.S. 14:107.4 shall  
 22 remain in the care, custody, and control of the investigating law enforcement agency,  
 23 the court, or the district attorney.

24 B. Notwithstanding any other provision of law to the contrary, the court shall  
 25 deny any request by the defendant to copy, photograph, duplicate, or otherwise  
 26 reproduce any property or material that is alleged to constitute evidence of obscenity  
 27 as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as  
 28 defined in R.S. 14:283, ~~pornography involving juveniles~~ child sexual abuse materials  
 29 as defined in R.S. 14:81.1, or unlawful posting of criminal activity for notoriety and

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 publicity as defined in R.S. 14:107.4, provided that the district attorney makes the  
2 property or material reasonably available to the defendant.

3 \* \* \*

4 Section 6. Children's Code Articles 502(3) and (4)(1), ~~603(8) and (12)(1)~~, and 610(F)  
5 are hereby amended and reenacted to read as follows:

6 Art. 502. Definitions

7 For the purposes of this Title, the following terms have the following  
8 meanings, unless the context clearly indicates otherwise:

9 \* \* \*

10 (3) "Child pornography" or "child sexual abuse materials" means visual  
11 depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual  
12 intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd  
13 exhibition of the genitals.

14 (4) "Crime against the child" shall include the commission of or the  
15 attempted commission of any of the following crimes against the child as provided  
16 by federal or state statutes:

17 \* \* \*

18 (1) ~~Pornography involving juveniles~~ Child sexual abuse materials.

19 \* \* \*

20 Art. 603. Definitions

21 As used in this Title:

22 \* \* \*

23 (8) "Child pornography" or "child sexual abuse materials" means visual  
24 depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual  
25 intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd  
26 exhibition of the genitals.

27 \* \* \*

1 (12) "Crime against the child" shall include the commission of or the  
2 attempted commission of any of the following crimes against the child as provided  
3 by federal or state statutes:

4 \* \* \*

5 (1) ~~Pornography involving juveniles~~ Child sexual abuse materials.

6 \* \* \*

7 Art. 610. Reporting procedure; reports to the legislature and the United States  
8 Department of Defense Family Advocacy Program

9 \* \* \*

10 F. Any commercial film or photographic print processor who has knowledge  
11 of or observes, within the scope of this professional capacity or employment, any  
12 film, photograph, video tape, negative, or slide depicting a child who he knows or  
13 should know is under the age of seventeen years, which constitutes child  
14 pornography or child sexual abuse materials as defined in Article 603, shall report  
15 immediately to the local law enforcement agency having jurisdiction over the case.  
16 The reporter shall provide a copy of the film, photograph, videotape, negative, or  
17 slide to the agency receiving the report.

18 \* \* \*

19 Section 7. Civil Code Article 2315.3 is hereby amended and ~~reenacted~~ to read as  
20 follows:

21 Art. 2315.3. Additional damages; child pornography; child sexual abuse materials

22 In addition to general and special damages, exemplary damages may be  
23 awarded upon proof that the injuries on which the action is based were caused by a  
24 wanton and reckless disregard for the rights and safety of the person through an act  
25 of pornography involving juveniles child sexual abuse materials, as defined by R.S.  
26 14:81.1, regardless of whether the defendant was prosecuted for his acts.

27 Section 8. Nothing in this Act <sup>(Acts 2025, No. 261)</sup> alleviates any person arrested, convicted, or  
28 adjudicated delinquent for pornography involving juveniles prior to the effective date of this  
29 Act from any requirement, obligation, or consequence <sup>(Acts 2025, No. 261, eff. 8/1/2025)</sup> imposed by law as a result of that  
30 arrest, conviction, or adjudication including but not limited to any requirements regarding

NOTE ALL PROVISIONS IN THIS ACT

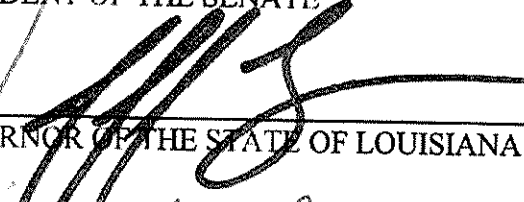
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the setting of bail, sex offender registration and notification, parental rights, probation, parole, sentencing, or any other requirement, obligation, or consequence imposed by law as a result of that arrest, conviction, or adjudication.

Section 9. This Act shall be cited and referred to as "The Audrey Wascome Act".

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

  
\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 11, 2025

# ACT 76

**ENROLLED**

2025 Regular Session

HOUSE BILL NO. 292

BY REPRESENTATIVE KNOX

La. State Law Institute  
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Edits To: CCRP Pgs. 1-2

Note:

AN ACT

To amend and reenact ~~Code of Criminal Procedure~~ Article 812, relative to jury polling; to provide for polling when a verdict is not reached; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 812 is hereby amended and reenacted to read as follows:

Art. 812. Same; polling and disposition of jury

A. ~~The~~ In all cases, the court shall order the clerk to poll the jury if requested by the state or the defendant. The poll shall be conducted in writing by applying the procedures of ~~Subsection B~~ <sup>Paragraph</sup> of this Article, and shall be done in open court.

B.(1) ~~The~~ In cases in which a verdict was reached, <sup>the</sup> procedure for the written polling of the jury shall require that the clerk hand to each juror a separate piece of paper containing the name of the juror and the words "Is this your verdict?" Each juror shall write on the slip of paper the words "Yes" or "No" along with his signature. The clerk shall collect the slips of paper, make them available for inspection by the court and counsel, and record the results.

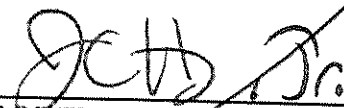
(2) If a sufficient number of jurors as required by law to reach a verdict answer "yes" the clerk shall so inform the court. Upon verification of the results, the court shall order the clerk to record the verdict and order the jury discharged. If an insufficient number required to find a verdict answer "Yes," the court may remand the jury for further deliberation, or the court may declare a mistrial in accordance with Article 775. The polling slips may be placed under seal upon order of the court,

1 which shall state the specific reasons for placing the polling slips under seal. If so  
2 ordered the polling slips shall not be released to the public without a subsequent  
3 order of the court authorizing their release. If the court orders the release of the  
4 polling slips, the names of the jurors shall be redacted.

5 C. In cases for which no verdict could be reached and a mistrial has been  
6 declared under Article 775(2) of this Code, the court shall order the clerk to poll the  
7 jury if requested by the state or the defendant. The poll shall be conducted in writing  
8 by applying the procedures of <sup>Paragraph Article</sup> ~~Subsection D of this Section~~ and shall be done in open  
9 court.

10 D. The procedure for the written polling of the jury shall require that the  
11 clerk hand to each juror a separate piece of paper containing the name of the juror  
12 and the words "What was your verdict?". Each juror shall write on the slip of paper  
13 the words "guilty" or "not guilty" or "guilty of a lesser offense" along with his  
14 signature. The clerk shall collect the slips of paper, make them available for  
15 inspection by the court and counsel, and record the results. The polling slips may be  
16 placed under seal upon order of the court, which shall state the specific reasons for  
17 placing the polling slips under seal. If so ordered, the polling slips shall not be  
18 released to the public without a subsequent order of the court authorizing their  
19 release. If the court orders the release of the polling slips, the names of the jurors  
20 shall be redacted.

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

  
\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 4, 2025

# ACT 46

ENROLLED

2025 Regular Session

HOUSE BILL NO. 23

BY REPRESENTATIVE MUSCARELLO

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Classification CCRP

AN ACT

To amend and reenact ~~Code of Criminal Procedure~~ Article 892(C) and to enact R.S. 15:228.10, relative to post-sentence statements and documents; to provide for the submission of certain statements to the Department of Public Safety and Corrections; to authorize the adoption of standards and policies adopted by the Integrated Criminal Justice Information System Policy Board for the electronic transmission of criminal justice data; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 892(C) is hereby amended and reenacted to read as follows:

Art. 892. Post-sentence statement by sheriff; accompanying documents

\* \* \*

C.(1) All statements and documents required by this Article shall physically accompany any defendant when said defendant is transferred to a penal institution or a mental institution or mental hospital. Said documents and statements shall be tendered to the officer in charge of the institution at the time that the defendant is presented for admittance thereto.

(2) For defendants who have been convicted of a felony and committed to the Department of Public Safety and Corrections, all statements and documents required by this Article shall be submitted electronically in accordance with R.S. 15:1228.10.

\* \* \*

Section 2. ~~R.S. 15:1228.10~~ is hereby enacted to read as follows:

§1228.10. Electronic submission of criminal justice data: ICJIS broker system

A. Any criminal justice agency required to submit criminal justice data shall do so electronically through the Integrated Criminal Justice Information System broker system (ICJIS).

B. All electronic data transmissions shall comply with the standards, protocols, and policies adopted by the ICJIS Policy Board, including technical specifications, security requirements, and certification procedures.

C. Until such time as the ICJIS broker system is fully operational for a particular data exchange pathway, each agency shall retain discretion regarding the method of transmission for its data submissions. Agencies shall, however, make reasonable and continuous efforts to conform interim practices to ICJIS standards and prepare for full integration upon broker system readiness.

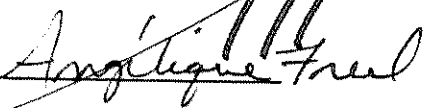
D. Each agency shall be responsible for ensuring the accuracy, completeness, and timeliness of the criminal justice data it submits. In the event errors or omissions are discovered by the receiving agency or by ICJIS, the submitting agency shall correct and resubmit the data without undue delay, consistent with ICJIS standards.

E. Any agency that is unable to comply with ICJIS data submission requirements shall submit a report to the policy board in accordance with ICJIS promulgated policies and standards. The policy board shall monitor compliance and may recommend technical support or, if necessary, suspension of electronic data exchange privileges pending remediation.

  
\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
PRESIDENT OF THE SENATE

  
\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 4, 2025

# ACT 52

ENROLLED

2025 Regular Session

HOUSE BILL NO. 79

BY REPRESENTATIVE BACALA

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Classification CCRP

AN ACT

To amend and reenact ~~Code of Criminal Procedure~~ Articles 893.2 and 893.3(A) through (D) and (E)(1)(a), relative to sentencing; to provide for the applicability of firearm enhancement sentencing provisions to plea agreements; to provide for stipulations; 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 Articles 893.2 and 893.3(A) through (D) and (E)(1)(a) are hereby amended and reenacted to read as follows:

Art. 893.2. Discharge, use, or possession of firearm in commission of a felony or a specifically enumerated misdemeanor; submission to jury

A.(1) If a motion was filed by the state in compliance with Article 893.1, a determination shall be made as to all of the following:

(a) ~~whether~~ Whether a firearm was discharged, or used during the commission of the felony or specifically enumerated misdemeanor, or actually possessed during the commission of any of the following:

(i) ~~a~~ A felony which is a crime of violence as defined by R.S. 14:2(B);

(ii) felony Felony theft;

(iii) simple Simple burglary;

(iv) simple Simple burglary of an inhabited dwelling;

(v) ~~unauthorized~~ Unauthorized entry of an inhabited dwelling;

(vi) ~~production~~ Production, manufacturing, distribution, dispensing, or possession with intent to produce, manufacture, distribute, or dispense a controlled

1 dangerous substance in violation of the Uniform Controlled Dangerous Substances  
2 Law; ~~or,~~

3 (vii) A specifically enumerated misdemeanor,

4 ~~(b) and whether~~ Whether the mandatory minimum sentencing provisions of  
5 Article 893.3 have been shown to be applicable.

6 (2) Such determination is a specific finding of fact to be submitted to the jury  
7 and proven by the state beyond a reasonable doubt.

8 B. If a motion was filed by the state in compliance with Article 893.1 and the  
9 case is resolved pursuant to a plea agreement, the district attorney and the defendant  
10 may stipulate that the provisions of Article 893.3 are applicable. Any such  
11 stipulation shall identify for the court all of the following:

12 (1) The specific provision of Article 893.3 that applies.

13 (2) The specific underlying felony or specifically enumerated misdemeanor  
14 within Article 893.3 that applies.

15 Art. 893.3. Sentence imposed on felony or specifically enumerated misdemeanor in  
16 which firearm was possessed, used, or discharged

17 A. If the finder of fact finds beyond a reasonable doubt or a plea agreement  
18 is reached that includes a stipulation pursuant to Article 893.2(B) that the offender  
19 actually possessed a firearm during the commission of the felony or specifically  
20 enumerated misdemeanor for which he was convicted, the court shall impose a term  
21 of imprisonment of not less than two years nor more than the maximum term of  
22 imprisonment provided for the underlying offense; however, if the maximum  
23 sentence for the underlying offense is less than two years, the court shall impose the  
24 maximum sentence.

25 B. If the finder of fact finds beyond a reasonable doubt or a plea agreement  
26 is reached that includes a stipulation pursuant to Article 893.2(B) that the offender  
27 actually used a firearm in the commission of the felony or specifically enumerated  
28 misdemeanor for which he was convicted, the court shall impose a term of  
29 imprisonment of not less than five years nor more than the maximum term of  
30 imprisonment provided for the underlying offense; however, if the maximum

1 sentence for the underlying offense is less than five years, the court shall impose the  
2 maximum sentence.

3 C. If the finder of fact finds beyond a reasonable doubt or a plea agreement  
4 is reached that includes a stipulation pursuant to Article 893.2(B) that the offender  
5 actually discharged a firearm in the commission of the felony or specifically  
6 enumerated misdemeanor for which he was convicted, the court shall impose a term  
7 of imprisonment of not less than ten years nor more than the maximum term of  
8 imprisonment provided for the underlying offense; however, if the maximum  
9 sentence for the underlying offense is less than ten years, the court shall impose the  
10 maximum sentence.

11 D. If the finder of fact finds beyond a reasonable doubt or a plea agreement  
12 is reached that includes a stipulation pursuant to Article 893.2(B) that a firearm was  
13 actually used or discharged by the defendant during the commission of the felony for  
14 which he was convicted, and thereby caused bodily injury, the court shall impose a  
15 term of imprisonment of not less than fifteen years nor more than the maximum term  
16 of imprisonment provided for the underlying offense; however, if the maximum  
17 sentence for the underlying felony is less than fifteen years, the court shall impose  
18 the maximum sentence.

19 E.(1)(a) Notwithstanding any other provision of law to the contrary, if the  
20 finder of fact has determined or a plea agreement is reached that includes a  
21 stipulation pursuant to Article 893.2(B) that the defendant committed a felony with  
22 a firearm as provided for in this Article, and the crime is considered a violent felony  
23 as defined in this Paragraph, the court shall impose a minimum term of  
24 imprisonment of not less than ten years nor more than the maximum term of  
25 imprisonment provided for the underlying offense. In addition, if the firearm is  
26 discharged during the commission of such a violent felony, the court shall impose  
27 a minimum term of imprisonment of not less than twenty years nor more than the  
28 maximum term of imprisonment provided for the underlying offense.

29 \* \* \*

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

*Philip R. Daniels*

SPEAKER OF THE HOUSE OF REPRESENTATIVES

*John A. Hoff*

PRESIDENT OF THE SENATE

*Jeff Landry*

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:

*Angélique Friel*

*June 4, 2025*

# ACT 72

ENROLLED

2025 Regular Session

HOUSE BILL NO. 214

BY REPRESENTATIVE VILLIO

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Classification CCRP

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AN ACT

To amend and reenact ~~Code of Criminal Procedure~~ Articles 900(A)(6)(e)(i)(bb) and 901(A) and to enact Code of Criminal Procedure Article 901(D), relative to probation; to provide relative to revocation of probation; to provide relative to a technical violation of probation; to provide for an exception; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 900(A)(6)(e)(i)(bb) and 901(A) are hereby amended and reenacted and Code of Criminal Procedure Article 901(D) is hereby enacted to read as follows:

Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article <sup>✓</sup>899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article <sup>✓</sup>899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. The defendant may choose, with the court's consent, to appear at the violation hearing and stipulate the revocation by simultaneous audio-visual transmission in accordance with the

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provisions of Article 562. If the court decides that the defendant has violated, or was about to violate, a condition of his probation, it may:

\* \* \*

(6)

\* \* \*

(e) None of the following, unless deemed a technical violation by the court when its discretion is permitted, shall be considered a technical violation nor addressed by administrative sanctions:

(i) Being arrested for, charged with, or convicted of any of the following:

\* \* \*

(bb) A violation of any provision of Title 40 of the Louisiana Revised Statutes of 1950, except for misdemeanor possession of marijuana, or tetrahydrocannabinol, or chemical derivatives thereof; as provided in R.S. 40:966(C)(2) or any prohibited act involving drug paraphernalia as provided in R.S. 40:1023, which shall be considered a "technical violation".

\* \* \*

Art. 901. Revocation for commission of another offense


A. In addition to the grounds for revocation of probation enumerated in Louisiana Code of Criminal Procedure Article 900, when a defendant who is on probation for a felony who subsequently commits or and is convicted of a felony under the laws of this state, or under the laws of another state, the United States, or the District of Columbia, or is convicted of a misdemeanor under the provisions of Title 14 of the Louisiana Revised Statutes of 1950, or is convicted of a misdemeanor under the provisions of the Uniform Controlled Dangerous Substances Law contained in Title 40 of the Louisiana Revised Statutes of 1950; and which if committed in this state would be a felony. shall have his probation may be revoked as of the date of the commission of the felony or final conviction of the felony or misdemeanor.


\* \* \*

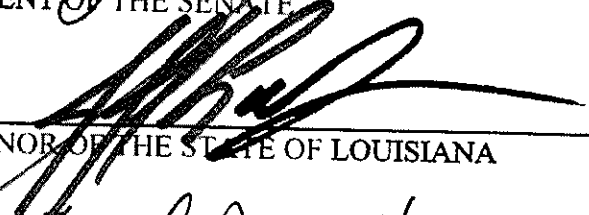
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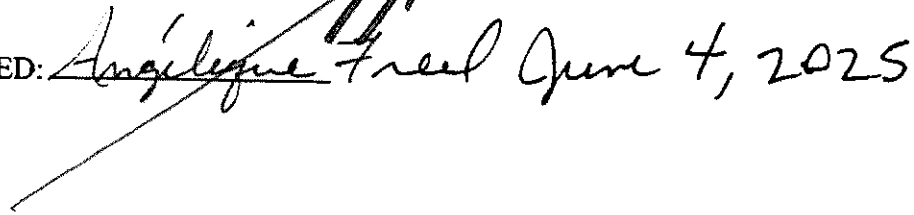
D. The provisions of this Article shall not apply to a defendant who, as an additional condition for the violation of his probation, has been ordered to complete a drug or specialty court program. A defendant who is eligible for revocation of probation pursuant to Paragraph A of this Article and does not successfully complete such court-ordered drug or specialty court program shall have his probation revoked as of the date of the commission of the felony or final conviction of the felony.



  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
PRESIDENT OF THE SENATE

  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 4, 2025

# ACT 393

ENROLLED

2025 Regular Session

HOUSE BILL NO. 675 (Substitute for House Bill No. 572 by Representative Glorioso)

BY REPRESENTATIVES GLORIOSO, BACALA, CARRIER, COATES, COX, CREWS,  
DICKERSON, EDMONSTON, EMERSON, FIRMENT, HORTON, MIKE  
JOHNSON, MCMAKIN, SCHLEGEL, VILLIO, AND WILDER

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Edits To: CCRP Pgs. 2, 4, 6, 8, 13

Note: - NOTE 84

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AN ACT

To amend and reenact ~~Code of Criminal Procedure~~ Articles 926(B) and (E), 926.2(A) and (B)(2) and (3)(introductory paragraph), 927, 930(A) and (C), 930.2, 930.4(article heading), (A), and (D) through (G), 930.5, 930.6(B), 930.8(A)(introductory paragraph) and (2) through (4) and (B) through (E) and R.S. ~~15~~:178, to enact Code of Criminal Procedure Articles 924(5) and (6), 926(F) and (G), 926.4, 927.1, 930.4(H), 930.8(F), 930.11, and R.S. 15:169(C), and to repeal Code of Criminal Procedure Articles 928, 930.6(C), and 930.10, relative to post conviction relief; to provide for procedures; to provide for definitions; to provide for appeals; to provide for applications; to provide for motions; to provide for summary disposition; to provide for judgments; to provide for grounds for relief; to provide relative to claims; to provide for duties of the court, district attorney, attorney general, and petitioner; to provide for time periods; to provide relative to time limitations; to provide for burden of proof; to provide relative to a writ of mandamus; to provide for the appointment of counsel in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 926(B) and (E), 926.2(A) and (B)(2) and (3)(introductory paragraph), 927, 930(A) and (C), 930.2, 930.4(article heading), (A), and (D) through (G), 930.5, 930.6(B), 930.8(A)(introductory paragraph) and (2) through (4) and (B) through (E) are hereby amended and reenacted and Code of Criminal Procedure Articles

924(5) and (6), 926(F) and (G), 926.4, 927.1, 930.4(H), 930.8(F), and ~~930.11~~ are hereby enacted to read as follows:

Art. 924. Definitions

ALPHABETIZE

(1)-(3) = (1)-(3) As used in this Title:

(4) → (b) (1) An ~~application~~ Application...

(5) → (4)

(6) → (5)

(5) "Post conviction relief" means a procedure that allows an individual who has been convicted of a crime in this state to challenge the legality of his confinement. It is a form of post conviction habeas corpus and is a collateral action to test the detention of a criminal defendant after his sentence and conviction have become final.

(6) "Shell petition" means a petition that does not contain fully briefed claims for relief.

\* \* \*

Art. 926. Petition

\* \* \*

B. The petition shall allege all of the following:

(1) The name of the person in custody and the place of custody, if known, or if not known, a statement to that effect;

(2) That the person is actually in custody, and the name of the place of custody, if known.

~~(2)~~ (3) The name of the custodian, if known, or if not known, a designation or description of him as far as possible;

~~(3)~~ (4) A statement of the grounds upon which relief is sought, alleged in good faith and specifying with reasonable particularity the factual basis for such relief;

~~(4)~~ (5) A statement of all prior applications for writs of habeas corpus or for post conviction relief filed by or on behalf of the person in custody in connection with his present custody; ~~and~~;

~~(5)~~ (6) All errors known or discoverable by the exercise of due diligence.

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E. The petition and any successive petitions shall be served upon both the attorney general and the district attorney for the parish where the defendant was convicted.

F.(1) An individual shall be eligible for post conviction relief if he meets both of the following:

(a) He is currently serving a sentence of imprisonment or is on probation or parole pursuant to a conviction.

(b) He is in actual custody or under supervision of the division of probation and parole.

(2) An application for post conviction relief filed after the petitioner has completed his sentence shall be dismissed.

(3) Any claim alleged in an application that is procedurally barred or is frivolous on its face shall be dismissed.

E. G. Inexcusable failure of the petitioner to comply with the provisions of this Article may be a basis for dismissal of his application.

\* \* \*

Art. 926.2. Factual innocence

A. A petitioner who has been convicted of an offense may seek post conviction relief on the grounds that he is factually innocent of the offense for which he was convicted. A petitioner's first claim of factual innocence pursuant to this Article that would otherwise be barred from review on the merits by the time limitation provided in Article 930.8 or the procedural objections provided in Article 930.4 shall not be barred if the claim is contained in an application for post conviction relief filed on or before December 31, 2022, and if the petitioner was convicted after a trial completed to verdict. This exception to Articles 930.4 and 930.8 shall apply only to the claim of factual innocence brought under this Article and shall not apply to any other claims raised by the petitioner. An application for post conviction relief filed pursuant to this Article by a petitioner who pled guilty before August 1, 2025, or nolo contendere to the offense of conviction or filed by any petitioner after December 31, 2022, shall be subject to Articles 930.4 and 930.8.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscoring are additions.

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A petitioner who pled guilty to the offense of conviction on or after August 1, 2025, shall not be entitled to assert a claim of factual innocence.

B.

\* \* \*

(2) A recantation of prior sworn testimony may be considered if corroborated by the evidence required by Subsubparagraph (1)(a) of this Paragraph. However, a recantation of prior sworn testimony cannot form the sole basis for relief pursuant to this Article<sup>9</sup> and shall not be sufficient to overcome the presumption of a valid conviction.

(3) If the petitioner pled guilty before August 1, 2025, or nolo contendere to the offense of conviction, in addition to satisfying all of the criteria in this Paragraph and in any other applicable provision of law, the petitioner shall show both of the following to prove entitlement to relief:

\* \* \*

Art. 926.4. Privilege waiver

By raising any claim of ineffective assistance of counsel, the defendant waives the attorney-client privilege as to any information necessary to allow the state to rebut the claim.

Art. 927. Procedural Action required after filing of application; procedural objections; answer

A.(1) The court shall conduct a preliminary review of all petitions for <sup>post</sup> conviction relief for compliance with the limitations for relief established in this Title Chapter. In conducting its review of the application, the court shall consider, among other things, all of the following:

(a) Whether the petitioner was in custody at the time the application for <sup>post-conviction</sup> relief was filed.

(b) Whether the application is timely pursuant to Article <sup>930.8</sup>.

(c) Whether the application states adequate factual or legal grounds for relief.

1           (d) Whether the application states legal grounds for relief that are not  
2           meritorious.

3           (e) Whether the application states factual grounds which, if established, do  
4           not entitle the petitioner to relief.

5           (f) Whether the application states factual grounds that, if true, entitle the  
6           petitioner to relief but are so contradicted by the court record that the court is  
7           satisfied that the factual allegations are untrue.

8           (g) Whether each claim in the application is procedurally barred or frivolous  
9           on its face.

10           (2) If it is evident from the petition and any attached exhibits that the  
11           petitioner is not entitled to relief, the court shall dismiss the application. If the  
12           application is not dismissed, the judge shall order an answer pursuant to Paragraph  
13           B of this Article. The fact that the court has not dismissed the application upon  
14           preliminary review shall not preclude the district attorney or the attorney general  
15           from subsequently raising objections on any of the grounds listed in Subparagraph  
16           (1) of this Paragraph or any other grounds provided by law.

17           A: ~~B.~~ If an application alleges a claim which, if established, would entitle the  
18           petitioner to relief is not dismissed pursuant to Paragraph A of this Article, the court  
19           shall order the custodian, through the district attorney in the parish in which the  
20           defendant was convicted, to file any procedural objections he may have, or an  
21           answer on the merits if there are no procedural objections, within a specified period  
22           not in excess of thirty sixty days. If the district attorney waives or does not file  
23           procedural objections, the response shall be provided to the attorney general  
24           concurrent with filing. The court's order shall include a copy of the application for  
25           post conviction relief and the attorney general shall have thirty days to file  
26           objections. If procedural objections are timely filed by the district attorney or the  
27           attorney general, no answer on the merits of the claim nor any hearing on the merits  
28           may shall be ordered until such objections have been considered and rulings thereon  
29           have become final.

1           B: C. In any order of the court requiring a response by the district attorney  
 2           or attorney general pursuant to this Article, the court shall render specific rulings  
 3           dismissing any claim which, if established as alleged, would not entitle the petitioner  
 4           to relief, and shall order a response only as to such claim or claims which, if  
 5           established as alleged, would entitle the petitioner to relief.

6           C: D. If the court orders an answer filed, the court need not order production  
 7           of the petitioner except as provided in Article 930.

8           E. Subject to the provisions of Article 930.4(F), if the application is  
 9           successive or supplemental to a previous application, the court shall send notice to  
 10          the attorney general.

11          F. If the court has determined that the application cannot be summarily  
 12          dismissed, the court shall determine after an answer is filed whether an evidentiary  
 13          hearing is necessary and shall set a status conference within sixty days.

14          Art. 927.1. Abandonment of application

15          A. After filing an application for post conviction relief, the petitioner is  
 16          responsible for seeking a ruling on his application and <sup>pursuing</sup> ~~pursing~~ his claims. Failure  
 17          to actively seek a ruling on an application for post conviction relief after it has been  
 18          filed shall constitute abandonment of the application, resulting in the dismissal of the  
 19          application.

20          B. An application for post conviction relief shall be deemed to be abandoned  
 21          when the petitioner fails to file any pleading in furtherance of disposition of the  
 22          application for a period of two years following the filing of the application,  
 23          irrespective of the stage of the proceedings.

24          C. This Article shall be operative without a formal order when an  
 25          abandonment of an application pursuant to Paragraph B has occurred. On ex parte  
 26          motion of the district attorney or the attorney general, accompanied by an affidavit  
 27          that states that action has not been timely taken, the court shall enter a formal order  
 28          of dismissal as of the date of the application's abandonment.

29          D. If the petitioner has a shell petition pending as of July 1, 2025, he shall  
 30          submit a fully-briefed petition to the court no later than July 1, 2026, unless a shorter

1 period of time has been established by the court. Any application for post conviction  
 2 relief filed before July 1, 2023, shall be dismissed, set for a hearing, or otherwise  
 3 adjudicated no later than July 1, 2026, unless the court has good cause to establish  
 4 a later date, provided however that the claims shall be fully adjudicated no later than  
 5 January 1, 2027. The district attorney or the attorney general shall have a right to  
 6 seek mandamus to enforce this Paragraph.

7 E. For the purposes of this Article, "pleading in furtherance of disposition  
 8 of the application" means a filing that seeks the trial court's ruling on the merits of  
 9 the application or a claim asserted therein, such as a motion to set the case on the  
 10 docket, a motion seeking an order, or an application for writ of mandamus seeking  
 11 a ruling on the application.

\* \* \*

12  
13 Art. 930. Evidentiary hearing

14 A. An evidentiary hearing for the taking of testimony or other evidence shall  
 15 be ordered within the time period provided in Article 930.11 whenever there are  
 16 questions of fact which cannot properly be resolved pursuant to Articles ~~928~~ and  
 17 929. The petitioner, in absence of an express waiver, is entitled to be present at such  
 18 hearing, unless the only evidence to be received is evidence as permitted pursuant  
 19 to Subsection Paragraph B of this Section Article, and the petitioner has been or will  
 20 be provided with copies of such evidence and an opportunity to respond thereto in  
 21 writing.

22 \* \* \*

23 C. No evidentiary hearing on the merits of a claim shall be ordered or  
 24 conducted, nor shall any proffer of evidence be received over the objection of the  
 25 respondent, and no ruling upon procedural objections to the petition shall purport to  
 26 address the merits of the claim over the objection of the respondent, unless the court  
 27 has first ruled upon all procedural objections raised by the respondent within the time  
 28 period provided in Article 930.11, and such rulings have become final. Any  
 29 language in a ruling on procedural objections raised by the respondent which

purports to address the merits of the claim shall be deemed as null, void, and of no effect.

\* \* \*

Art. 930.2. Burden of proof

The petitioner in an application for post conviction relief shall have the burden of proving that relief should be granted. The state has no burden of proof in a post conviction relief proceeding.

\* \* \*

Art. 930.4. Repetitive Jurisdictional bars to relief; repetitive applications

A. ~~Unless required in the interest of justice, any~~ Any claim for relief which was fully litigated in an appeal from the proceedings leading to the judgment of conviction and sentence shall not be considered.

\* \* \*

D. If the application alleges a claim seeking to apply a new rule of criminal procedure that has been held by the United States Supreme Court and the Louisiana Supreme Court to be ~~non-retroactive~~, the court shall deny relief.

E. A successive application shall be dismissed if it fails to raise a new or different claim.

~~E:~~ E. A successive application shall be dismissed if it raises a new or different claim that was inexcusably omitted from a prior application.

~~F:~~ G. Any attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions set forth in this Article. In addition to serving the district attorney for the jurisdiction where the underlying conviction was obtained, any subsequent, successive, amending, or supplemental application filed ~~after the first application for post conviction relief~~ shall be served by the petitioner on the district attorney and the attorney general. If the court subsequently orders any hearing on the application, the court shall send notice to the district attorney and attorney general at least sixty days in advance of the hearing ~~on the application. Both the district attorney and the attorney general shall have a right to suspensively appeal any order granting relief~~ date.

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~~G. H.~~ All of the ~~The~~ limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.

Art. 930.5. Custody pending retrial; bail

A. If a court grants relief under an application for post conviction relief, the court shall order that the petitioner be held in custody pending a new trial if it appears that there are legally sufficient grounds upon which to re-prosecute the petitioner.

B. In such a case, the petitioner shall be entitled to bail on the offense as though he has not been convicted of the offense.

Art. 930.6. Review of trial court judgments

\* \* \*

~~B. If a statute or ordinance is declared unconstitutional, the state may appeal to the supreme court. If relief is granted on any other ground, the state may invoke the supervisory jurisdiction of the court of appeal.~~

~~C. Pending the state's application for writs, or pending the state's appeal, the district court or the court of appeal may stay the judgment granting relief. The district attorney and the attorney general shall have a right to suspensively appeal any order granting post conviction relief.~~

\* \* \*

Art. 930.8. Time limitations; exceptions; prejudicial delay

A. No application for post conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under the provisions of Article 914<sup>✓</sup> or 922, unless any of the following apply:

\* \* \*

(2)(a) Facts that were known to any attorney for the petitioner shall be presumed to have been known by the petitioner unless the petitioner rebuts this presumption by clear and convincing evidence. Facts that were contained in the record of the court proceedings concerning the conviction challenged in the

[NOT AMENDED]

1 application shall be deemed to have been known by the petitioner. The provisions of  
 2 this Subparagraph are applicable if the petitioner proves both of the following:

3 (i) That the petitioner exercised due diligence in attempting to discover any  
 4 post conviction claims or facts upon which any claims may be based.

5 (ii) That exceptional circumstances exist, the interest of justice will be served  
 6 by consideration of the claim based upon the previously unknown facts, and the  
 7 newly discovered facts in support of the claim are sufficiently compelling that  
 8 manifest injustice will result if the claim is not considered.

9 (b) The petitioner shall have the burden of proving the provisions of this  
 10 Subsubparagraph by clear and convincing evidence.

11 (2) (3) The claim asserted in the petition is based upon a final ruling of an  
 12 appellate court establishing a theretofore unknown interpretation of constitutional  
 13 law and petitioner establishes that this interpretation is retroactively applicable to his  
 14 case, and the petition is filed within one year of the finality of such ruling.

15 (3)(4) The application would already be barred by the provisions of this  
 16 Article, but the application is filed on or before ~~October 1, 2001~~ August 1, 2027, and  
 17 the date on which the application was filed is within ~~three~~ two years after the  
 18 judgment of conviction and sentence has become final.

19 ~~(4) The person asserting the claim has been sentenced to death.~~

20 \* \* \*

21 B.(1) When the petitioner has been sentenced to death, all appellate review  
 22 of post-conviction relief applications, including supervisory review of  
 23 post-conviction relief applications, shall be filed directly with the Louisiana Supreme  
 24 Court.

25 (2) When an execution warrant has been issued, any application for  
 26 post-conviction relief that contains a new claim, pleading, or other legal matter shall  
 27 be filed no later than forty-five days prior to the execution date of the petitioner. A  
 28 ruling on such application shall be issued no later than twenty-one days prior to the  
 29 execution date of the petitioner. The exclusive means of review shall be a writ

application filed directly with the Louisiana Supreme Court within seven days of the ruling on the application.

~~B: C.~~ An application for post conviction relief which is timely filed, or which is allowed under an exception to the time limitation as set forth in Paragraph A of this Article, shall be dismissed upon a showing by the state of prejudice to its ability to respond to, negate, or rebut the allegations of the petition caused by events not under the control of the state which have transpired since the date of original conviction, if the court finds, after a hearing limited to that issue, that the state's ability to respond to, negate, or rebut such allegations has been materially prejudiced thereby. When the petitioner fails to timely seek a hearing that is allowed by law or fails to pursue claims for a period of two years after filing an application, the delay caused by inaction shall be presumed as prejudicial. The petitioner shall bear the burden of rebutting the presumption of prejudice. A final judgment dismissing an application based upon prejudice shall be a final adjudication of state post conviction claims in the application for purposes of exhaustion of state court remedies and federal habeas corpus proceedings.

~~C: D.~~ At the time of sentencing, the trial court shall inform the defendant of the prescriptive period for post-conviction relief either verbally or in writing. If a written waiver of rights form is used during the acceptance of a guilty plea, the notice required by this Paragraph may be included in the written waiver of rights.

~~D: E.~~ Any attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions as set forth in this Article.

~~E: E.~~ All of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.

\* \* \*

Art. 930.11. Time delays applicable to this Title: writ of mandamus

A. The court of appropriate jurisdiction shall adhere to the following time periods in post conviction proceedings:

1           (1) The court shall conduct the preliminary review provided in Article 927  
2           within thirty days of the filing of application.

3           (2) When ruling on procedural objections that have been filed pursuant to  
4           Article 927, the court shall issue its ruling within thirty days of receipt of such  
5           objections.

6           (3) If the court determines that no evidentiary hearing is necessary, it shall  
7           issue its ruling on the merits of any remaining claim alleged in the application within  
8           thirty days of the state's answer on the merits.

9           (4) When the court determines that there are questions of fact which cannot  
10           properly be resolved pursuant to Article 929, it shall conduct an evidentiary hearing  
11           provided in Article 930 within one hundred eighty days of such determination and  
12           issue a ruling on the merits of any remaining claim within thirty days following the  
13           conclusion of such hearing.

14           B. The district attorney and the attorney general shall adhere to the following  
15           time periods in post conviction proceedings:

16           (1) The district attorney shall have sixty days to file procedural objections  
17           pursuant to Article 927.

18           (2) If an answer is required, the district attorney shall have sixty days from  
19           the court's ruling on procedural objections to file an answer on the merits pursuant  
20           to Article 927.

21           (3) The attorney general shall have thirty days to file procedural objections  
22           pursuant to Article 927 if the district attorney waives such objections.

23           C. A petitioner who has been sentenced to death shall only seek supervisory  
24           review directly from the Louisiana Supreme Court.

25           D. If a petitioner invokes the supervisory jurisdiction of the Louisiana  
26           Supreme Court, the supreme court shall rule on an application for a writ of review  
27           within one hundred eighty days of receipt. If there is an active death warrant, the  
28           court shall issue a ruling prior to the effective date of that warrant.

29           E. The state or petitioner shall have the right to seek a writ of mandamus to  
30           compel a court to issue a requested ruling within a specified period not to exceed

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thirty days if that court has not issued a ruling within the deadlines provided in this  
Title Chapter. The reviewing court may order the lower court to submit a per curiam  
opinion to the reviewing court with an explanation regarding why the lower court has  
not issued a ruling within the deadlines provided in this Title Chapter.

F.(1) Upon the motion of either party, any deadline set forth in this Title,  
except for the deadline for filing applications for post-conviction relief set forth in  
Article 930.8, may be extended by the court subject to the requirements of this  
Article Section.

(2) Any motion for an extension of time filed by either party shall be filed not  
later than seven days prior to the deadline sought to be extended and shall be served  
on all parties and the court by any method allowed by law.

(3) Any motion for an extension of time granted by the court pursuant to this  
Article Section shall not exceed sixty days in length, and in no case shall either party be  
allowed more than three extensions of time.

(4) Each party's first motion for an extension of time may be granted by the  
court without a contradictory hearing.

(5) After a party's first motion for an extension of time has been granted, any  
subsequent motion for an additional extension of time by the same mover shall  
require a contradictory hearing. Following the contradictory hearing, the court may  
only grant the motion upon a showing by the mover that extraordinary circumstances  
outside of the control of the moving party exist that necessitate the requested  
extension of time.

Section 2. R.S. 15:178 is hereby amended and reenacted and R.S. 15:169(C) is  
hereby enacted to read as follows:

§169. Representation of capital defendants

\* \* \*

C. If in any fiscal year the state public defender determines, based on a  
review of pending litigation of post-conviction relief applications for capital cases,  
that insufficient funds exist to provide counsel for these cases; he may request  
supplemental funding, on a case by case basis, from the Joint Legislative Committee

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on the Budget be distributed from the Overcollections Fund. The state public defender and the attorney general shall each submit a report to the committee prior to it taking action on a request.

\* \* \*

§178. Appointment of appellate and post-conviction counsel in death penalty case

In a capital case in which the trial counsel was provided to an indigent defendant and in which the jury imposed the death penalty, the court, after within thirty days of the imposition of the sentence of death, shall appoint order the office; ~~which shall promptly cause of the state public defender to have enrolled counsel to represent the defendant on at least one attorney for direct appeal and in any at least one separate attorney for state post-conviction post conviction proceedings, if~~ appropriate.

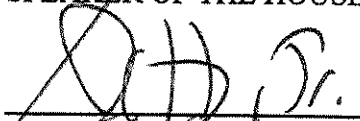
Section 3. Code of Criminal Procedure Articles 928, 930.6(C), and 930.10 are hereby repealed in their entirety.

Section 4. The Louisiana State Law Institute is hereby authorized and directed to renumber the subparagraphs of Code of Criminal Procedure Article 924 so as to properly place Code of Criminal Procedure Article 924(5) and (6) as enacted by this Act.

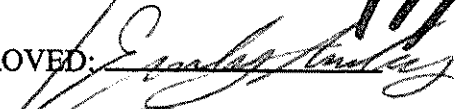
[ACTS 2025, No. 393]

[NOTED CCRT ART. 924]

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
PRESIDENT OF THE SENATE

  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:   
June 20, 2025