

Regular Session, 2010

HOUSE BILL NO. 740

BY REPRESENTATIVE LOPINTO

1 AN ACT

2 To enact Code of Criminal Procedure Article 523, relative to pretrial motions; to provide  
3 relative to notice of pretrial motion hearings; to provide relative to the defendant's  
4 appearance at pretrial motion hearings; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 523 is hereby enacted to read as  
7 follows:

8 Art. 523. Notice for hearing of pretrial motions; dismissal

9 A. When the court sets a date for a contradictory hearing of any pretrial  
10 motion filed by the defendant, in addition to any other method of service provided  
11 for by law, notice of the date of such hearing may be served upon the defendant by  
12 mailing notice to the counsel of record.

13 B. Failure of a defendant who is not incarcerated, or failure of his attorney,  
14 to appear for the hearing of a pretrial motion filed by the defendant shall be grounds  
15 for dismissal by the court.

16 C. On oral or written motion of the district attorney, the court may dismiss  
17 the defendant's pretrial motion upon either of the following:

18 (1) The second failure to appear by the defendant or his counsel, after actual  
19 notice, for the hearing of a pretrial motion filed by the defendant, when the hearing  
20 for such motion was previously reset due to the defendant's failure to appear on the  
21 date that the hearing was originally set.

1                    (2) The first failure to appear by the defendant or his counsel, after actual  
2                    notice, for the hearing of a pretrial motion filed by the defendant, when the defendant  
3                    has previously failed to appear in court for any other proceeding in the case.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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