

TITLES I, II, and III

Chapter: 15 Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 15.3

Rule No: 15.3

Court-Specific Rules Concerning Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission

**1st Judicial District
Court
Parish of Caddo**

**2nd Judicial District
Court
Parishes of
Bienville, Claiborne
and Jackson**

**3rd Judicial District
Court
Parishes of Lincoln
and Union**

**4th Judicial District
Court
Parishes of
Morehouse and
Ouachita**

**5th Judicial District
Court
Parishes of
Franklin, Richland
and West Carroll**

**6th Judicial District
Court
Parishes of East
Carroll, Madison
and Tensas**

7th Judicial District

Court
Parishes of
Catahoula and
Concordia

8th Judicial District
Court
Parish of Winn

9th Judicial District
Court
Parish of Rapides

Effective January 1,
2016; amended
effective January 1,
2018.

Pursuant to La. C.Cr.P. arts. 522 and 551, a defendant's appearance in this Court for the 230.1 hearing and the initial setting of bail may be accomplished by simultaneous transmission through audio-visual electronic equipment. The adoption of this local rule shall provide for a law enforcement officer having custody of an arrested person to fulfill the obligation imposed by La. C.Cr.P. art. 230.1(A) through presentation of the arrested person via simultaneous transmission by utilizing audio-visual electronic equipment.

A defendant's appearance at the following proceedings, may, at the discretion of the presiding judge, be made by simultaneous transmission through audio-visual electronic equipment:

1. Seventy-two hour hearing (included above)
 2. Initial setting of bond (included above)
 3. Any Pre-trial motion
 4. Any hearing on Pre-trial motion
 5. Arraignment
 6. Any post-conviction proceeding and
 7. Any other proceeding where specifically allowed by the Louisiana Code of Criminal Procedure relative to simultaneous Audio-Visual Transmission.
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10th Judicial District
Court
Parish of
Natchitoches

11th Judicial District
Court
Parish of Sabine

Adopted November
13, 2017, effective
November 13, 2017.

Pursuant to Louisiana Code of Criminal Procedure Articles 522 and 551, the Court may conduct seventy-two (72) hour hearings for the initial setting of bail, misdemeanor and non-capital felony arraignments by simultaneous transmission through audio-visual electronic equipment, with location of the equipment to be determined by the Court.

If approved by defense counsel, a defendant's appearance at the pretrial motion may be by simultaneous transmission through audio-visual electronic equipment.

12th Judicial District
Court
Parish of Avoyelles

Amended effective
January 22, 2019.

The provisions of Code of Criminal Procedure Articles 551, 553, 556, 562 and all other applicable laws are hereby adopted.

13th Judicial District

Court
Parish of Evangeline

14th Judicial District Court
Parish of Calcasieu

Pursuant to Louisiana Code of Criminal Procedure Article 522, the 14th Judicial District Court authorizes a defendant's appearance at any pre-trial motion or at any hearing on a pre-trial motion via simultaneous transmission through audio-visual electronic equipment, if approved by defense counsel.

Effective January 1, 2016.

15th Judicial District Court
Parishes of Acadia, Lafayette and Vermilion

A defendant's appearance at the following pre-trial matters may be by simultaneous transmission through audio-visual electronic equipment:

- (1) Seventy-two hour hearing
- (2) Initial setting of bail
- (3) Any pre-trial motion
- (4) Any hearing on pre-trial motion
- (5) Arraignment
- (6) Any other proceeding where specifically allowed by the Code of Criminal Procedure relative to simultaneous audio-visual transmission.

Effective January 1, 2016.

16th Judicial District Court
Parishes of Iberia, St. Martin and St. Mary

Unless defense counsel requests defendant's appearance in open court, defendant may appear for arraignment and enter his/her plea by way of simultaneous transmission through audio visual electronic equipment.

Effective January 1, 2016.

17th Judicial District Court
Parish of Lafourche

A defendant's appearance at the following proceedings may, at the discretion of the presiding judge, be made by simultaneous transmission through audio-visual electronic equipment:

1. Seventy-two hour hearing;
2. Initial setting of bond;
3. Any pretrial Motion;
4. Any hearing on Pretrial Motion;
5. Arraignment;
6. Any post-conviction proceeding; and
7. Any other proceeding where specifically allowed by the Code of Criminal Procedure relative to simultaneous Audio/Visual Transmission.

Effective October 30, 2017.

18th Judicial District Court
Parishes of Iberville, Pointe Coupee and West Baton Rouge

**19th Judicial District
Court
Parish of East Baton
Rouge**

**20th Judicial District
Court
Parishes of East
Feliciana and West
Feliciana**

**21st Judicial District
Court
Parishes of
Livingston, St.
Helena and
Tangipahoa**

**22nd Judicial District
Court
Parishes of St.
Tammany and
Washington**

Effective January 1,
2016.

1. Definitions.

(a) “Audiovisual transmission equipment” means an electronic device which enables encrypted software to permit an absent party or witness to participate in a court proceeding in real time.

(b) “Encrypted software” means software which provides authentication of the website and associated web server the Court is communicating with, which protects against so-called man-in-the-middle attacks. “Encrypted software” additionally provides bidirectional encryption of communications between the Court and an absent party or witness, which protects against eavesdropping and tampering with and/or forging the contents of the communication.

(c) “Court” means either a general or special jurisdiction court and includes any proceeding before a judge, commissioner or hearing officer.

2. Application. These rules apply to proceedings in civil, family, criminal and post-conviction cases as set forth below. These rules do not apply to juvenile proceedings.

3. Court pre-approval necessary. The Court may allow simultaneous audiovisual appearance of a party or witness by audiovisual transmission equipment using encrypted software in a court proceeding only in those instances referenced in Rule 5 below. Further, the Court requires pre-approval of a simultaneous appearance of a party or witness by the judge, commissioner or hearing officer conducting the proceeding.

4. Court not a guarantor of access to and/or use of audiovisual transmission equipment and/or encrypted software. If approved, the Court will make every effort to facilitate the simultaneous appearance by audiovisual transmission of a party or witness; however, the Court cannot guarantee access to and/or use of audiovisual transmission equipment and/or encrypted software.

5. Circumstances in which simultaneous appearance by audiovisual transmission equipment may be allowed.

(a) Civil and family court proceedings as follows:

- (1) Witness is beyond the subpoena power of the Court; and/or
- (2) When compelling circumstances are shown.¹

(b) Criminal and post-conviction proceedings as follows:

- (1) Seventy-two hour hearing and the initial setting of bail²;
- (2) Arraignment and entry of plea except in a capital case³;

- (3) Pretrial motion(s) that does not involve the taking of testimony⁴;
- (4) Protected person as defined in La. R.S. 15:2835;
- (5) Employee(s) of criminalistics laboratories, coroners, forensic pathologists, or any other person practicing in the field of knowledge and expertise in the gathering, examination and analysis of evidence by scientific means if presentation of testimony complies with the provisions of La. R.S. 15:502;
- (6) Pretrial motion(s) in lawsuit brought by inmate relative to prison conditions or for injury or damages⁶.

6. Court discretion to modify rules. Upon a showing of good cause either by motion of a party or upon its own motion, the Court may require a party to appear in person at a hearing, conference or proceeding listed above if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

7. Need for personal appearance. If the Court determines at any time during a hearing, conference or proceeding conducted by audiovisual transmission equipment that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

8. Court Reporting. All proceedings involving simultaneous appearance by audiovisual transmission equipment will be reported by a certified court reporter to the same extent and in the same manner as if all participants had appeared in person.

9. Public access. The Court will maintain public access to court proceedings, as provided by law, when a party or witness appears by means of simultaneous audiovisual transmission equipment.

¹ See La. C.C.P. art. 1633.1.

² See La. C.Cr.P. art. 522.

³ See La. District Court Rule 18.1; La. C.Cr.P. arts. 551, 553; La. C.Cr.P. arts. 831-833.

⁴ See La. C.Cr.P. art. 522.

⁵ La. R.S. 15:283 defines “protected person” as the victim of a crime or a witness in a criminal prosecution who is either (1) under the age of seventeen years or (2) has a developmental disability as defined in La. R.S. 28:451.2(12).

⁶ See, La. R.S. 15:1184.

23rd Judicial District Court
Parishes of Ascension, Assumption and St. James

Amended effective September 15, 2018.

A defendant’s appearance at the following pre-trial matters may be by simultaneous transmission through audio-visual electronic equipment:

- 1) 72 hour hearing
- 2) Initial setting of bail
- 3) Any pre-trial motion
- 4) Any hearing on pre-trial motion
- 5) Arraignment
- 6) Any other proceeding where specifically allowed by the Code of Criminal Code Procedure relative to simultaneous audio-visual transmission.

24th Judicial District Court
Parish of Jefferson

**25th Judicial District
Court
Parish of
Plaquemines**

Effective January 1,
2016; amended
effective March 20,
2019.

Pursuant to La. C.Cr.P. Articles 522 and 551, a defendant's appearance in this Court for the seventy-two (72) hour hearing and the initial setting of bail may be accomplished by simultaneous transmission through telephone or audio-visual electronic equipment.

The adoption of this local rule shall provide for a law enforcement officer having custody of an arrested person to fulfill the obligation imposed by La. C.Cr.P. Article 230.1(A) through presentation of the arrested person via simultaneous transmission by utilizing telephone or audio-visual electronic equipment. A defendant's appearance at the following proceedings, may, at the discretion of the judge, be made by simultaneous transmission through telephone or audio-visual electronic equipment:

1. Seventy-two hour hearing (included above)
2. Initial setting of bond (included above)
3. Any Pre-trial motion
4. Any hearing on Pre-trial motion
5. Arraignment
6. Any post-conviction proceeding
and
7. Any other proceeding where specifically allowed by the Code of Criminal Procedure relative to simultaneous telephone or Audio-Visual Transmission.

**26th Judicial District
Court
Parishes of Bossier
and Webster**

**27th Judicial District
Court
Parish of St. Landry**

Effective January 1,
2016.

At the court's option, a party may appear for the magistrate's hearing in person, through the telephone, or by audio-video electronic equipment.

**28th Judicial District
Court
Parish of LaSalle**

Effective January 1,
2016.

Any person entitled to a hearing pursuant to La. C.Cr.P. Art. 230.1 shall either be timely brought before the presiding judge for the purpose of fixing or amending bail and/or appointment of counsel in accordance with the provisions therein, or make appearance by telephone and/or audio/video electronic equipment, within the discretion of the presiding judge.

**29th Judicial District
Court
Parish of St. Charles**

**30th Judicial District
Court
Parish of Vernon**

**31st Judicial District
Court
Parish of Jefferson
Davis**

**32nd Judicial District
Court
Parish of
Terrebonne**

**33rd Judicial District
Court
Parish of Allen**

**34th Judicial District
Court
Parish of St. Bernard**

Magistrate Court shall be held at 9:15 A.M. or said earlier or later time set by the duty judge of each judicial day, and the defendant shall either appear in person or by use of telephone or audio-video electronic equipment as available in the St. Bernard Parish Jail.

Effective January 1,
2016.

**35th Judicial District
Court
Parish of Grant**

Pursuant to La. Code of Criminal Procedure Articles 522 and 551, a defendant's appearance in this Court for the seventy-two (72) hour hearing, the initial setting of bail, and arraignment may be accomplished by simultaneous transmission through audio-visual electronic equipment. The adoption of this local rule shall provide for a law enforcement officer having custody of an arrested person to fulfill the obligation imposed by La. Code of Criminal Procedure Article 230.1(A) through presentation of the arrested person via simultaneous transmission utilizing audio-visual electronic equipment.

Effective January 1,
2016.

**36th Judicial District
Court
Parish of
Beauregard**

**37th Judicial District
Court
Parish of Caldwell**

**38th Judicial District
Court
Parish of Cameron**

**39th Judicial District
Court
Parish of Red River**

**40th Judicial District
Court
Parish of St. John
the Baptist**

**Civil District Court
Parish of Orleans**

**Criminal District Court
Parish of Orleans**

A defendant's appearance at the following proceedings may, at the discretion of the judge, be made by simultaneous transmission through audio-visual electronic equipment:

Effective January 1,
2016.

1. Seventy-two hour hearing;
2. Initial setting of bond;
3. Any pretrial Motion;
4. Any hearing on Pretrial Motion;
5. Arraignment;
6. Any post-conviction proceeding; and
7. Any other proceeding where specifically allowed by the Code of Criminal Code Procedure relative to simultaneous Audio/Visual Transmission.

**42nd Judicial District
Court
Parish of DeSoto**
