

TITLE III
Chapter 15 - Assignment of Cases and Preliminary Motions
Rule 15.3 - Audio-Visual Appearances by Defendant
Appendix 15.3 - Court-Specific Rules Concerning Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission

**First Judicial District
Court**

Parish of Caddo

**Second Judicial District
Court**

**Parishes of Bienville,
Claiborne and Jackson**

**Third Judicial District
Court**

**Parishes of Lincoln and
Union**

**Fourth Judicial District
Court**

**Parishes of Morehouse
and Ouachita**

**Fifth Judicial District
Court**

**Parishes of Franklin,
Richland and West
Carroll**

**Sixth Judicial District
Court**

**Parishes of East Carroll,
Madison and Tensas**

**Seventh Judicial District
Court**

**Parishes of Catahoula
and Concordia**

**Eighth Judicial District
Court**

Parish of Winn

**Ninth 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.

**Tenth Judicial District
Court**

Parish of Natchitoches

Amended effective April
22, 2020.

A. General Provisions.

(1) A proceeding conducted via simultaneous audio-visual transmission shall be conducted in the same manner as if the parties had appeared in person, and the judge presiding over the matter may exercise all powers consistent with the proceeding.

(2) In any proceeding conducted via simultaneous audio-visual transmission, the remote location(s) shall be considered an extension of the courtroom and held before the judge who is presiding. The judge's pronouncements, instructions, and rulings shall have the same force and binding effect as if all participants had been physically present in the courtroom. The presiding judge shall consider and rule on any objections of a party or non-party witness prior to beginning the proceeding. Counsel and participants shall appear appropriately dressed for court proceedings.

(3) An oath administered by the judge, court reporter, or other authorized person to a witness, interpreter, or a party in a proceeding conducted via simultaneous audio-visual transmission shall have the same force and binding effect as if the oath had been administered to a person physically present in the courtroom.

(4) All proceedings involving an appearance via simultaneous audio-visual transmission 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.

(5) In criminal proceedings, the Court will maintain public access to court proceedings, as provided by law, when a party or witness appears via simultaneous audio-visual transmission.

B. 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.

C. Requirements. In utilizing simultaneous audio-visual transmission, the following are required for use in criminal or civil proceedings:

1. Permission from the presiding judge or hearing officer.
2. Pre-approval from the presiding judge or hearing officer of any suggested simultaneous audio-visual transmission platform or software.
3. Any simultaneous audio-visual transmission must meet or exceed any minimum operational guidelines adopted by the Louisiana Supreme Court.
4. In civil proceedings, once an appearance via simultaneous audio-visual transmission has been approved by the presiding judge or hearing officer, all technical requirements and testing shall be the responsibility of the moving party.
5. A full record of the proceedings shall be made as provided in applicable statutes and rules; and
6. The court shall determine that all parties agree to appear at the proceeding by simultaneous audio-visual transmission unless such consent is not required as otherwise stated in the court rule; and
7. Provisions shall be made for use of interpreter services when necessary. In cases requiring interpreters for non-English speaking or hearing-impaired parties, absent compelling circumstances, the interpreter shall be physically present with the party requiring the service, and provisions shall be made to enable simultaneous appearance of both that party and the interpreter.
8. In criminal proceedings, provisions shall be made to ensure compliance with all victims' rights laws.

D. Civil and Family Court Proceedings. Circumstances in which an appearance via simultaneous audio-visual transmission may be allowed in civil and family court proceedings:

1. When the witness is beyond the subpoena power of the Court; and/or
2. When compelling circumstances are shown in accordance with La. Code Civ. P. art. 1633.1, or
3. upon agreement of the parties and the court.

E. Criminal Court Proceedings. Circumstances in which an appearance by simultaneous audio-visual transmission may be allowed in criminal court proceedings:

1. Defendant's appearance via simultaneous audio-visual transmission is precluded absent extraordinary circumstances and parties' consent for:
 - a. trial
 - b. contested probation violation/revocation hearing, or
 - c. felony sentencing.
2. It is at the sole discretion of the court and without the consent of the defendant to conduct the following via simultaneous audio-visual transmission, including videoconferencing,
 - a. 72-Hour hearing and Initial setting of bail in accordance with La. Code Crim. P. art. 522(A). 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 Crim. P. art. 230.1(a) through presentation of the arrested person via simultaneous audio-visual transmission.
 - b. Felony or misdemeanor arraignment and entry of a plea in a non-capital case as prescribed by La. Dist. Ct. R. 18.1; La. Code Crim. P. art. 551, 553, 562 and 831-833. Any felony plea taken via simultaneous audio-visual transmission shall not include sentencing.
 - c. Any motion to continue which is limited to setting trial dates that do not involve any speedy-trial waiver of time under La. Code Crim. P. art. 701.
 - d. Any uncontested motion.
 - e. Any status or informal conference
 - f. A change of plea in a misdemeanor case.
 - g. Any post-conviction proceeding;

3. Except for those proceedings described in subparagraphs (E1) and (E2) above, the state and defense counsel or the state and a self-represented defendant, with the court's approval, may agree by written stipulation or upon the record to allow the defendant's appearance at any proceeding via a simultaneous audio-visual transmission, including teleconferencing, in the following proceedings:

- a. Any contested pre-trial motion or hearing on a pre-trial motion if approved by defense counsel in accordance with La. Code Crim. P. art. 522;
- b. Protected Person as defined in La. R.S. 15:283;
- c. Pretrial motion(s) in lawsuit brought by inmate relative to prison conditions or for injury or damages in accordance with La. R.S. 15:1184; and
- d. Testimony of those authorized pursuant to La. R.S. 15:502.

F. Expansion of Scope of Proceeding. Notwithstanding the foregoing, the court shall reschedule a proceeding via simultaneous audio-visual transmission to require the defendant's personal appearance if the scope of the herein expands beyond that specified in subparagraphs (E2) and (E3) above.

G. Court Has the 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.

Eleventh 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.

Twelfth 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.

Thirteenth Judicial District Court

Parish of Evangeline

Fourteenth Judicial District Court

Parish of Calcasieu

Effective January 1, 2016.

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.

Fifteenth Judicial District Court

Parishes of Acadia, Lafayette and Vermilion

Effective January 1, 2016.

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.

**Sixteenth Judicial
District Court**

**Parishes of Iberia, St.
Martin and St. Mary**

Effective January 1, 2016.

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.

**Seventeenth Judicial
District Court**

Parish of Lafourche

Effective October 30,
2017.

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.

**Eighteenth Judicial
District Court**

**Parishes of Iberville,
Pointe Coupee and West
Baton Rouge**

**Nineteenth Judicial
District Court**

**Parish of East Baton
Rouge**

Effective October 8, 2019.

Pursuant to all of the provisions of Louisiana Code of Criminal Procedure article 562, when a Defendant is incarcerated, he/she may waive his/her personal appearance in any traffic, misdemeanor, or felony offense, and may instead appear via simultaneous transmission through audio-visual electronic equipment for the following: arraignment, any preliminary matter or pretrial conference that does not involve the taking of testimony, at entry of his/her plea of guilty, and at any revocation hearing for a probation violation, including any hearing for contempt.

**Twentieth Judicial
District Court**

**Parishes of East Feliciana
and West Feliciana**

**Twenty-First Judicial
District Court**

**Parishes of Livingston,
St. Helena and
Tangipahoa**

**Twenty-Second 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.

**Twenty-Third 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.

**Twenty-Fourth Judicial
District Court**

Parish of Jefferson

**Twenty-Fifth 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.

**Twenty-Sixth Judicial
District Court**

**Twenty-Seventh 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.

**Twenty-Eighth Judicial
District Court**

Parish of LaSalle

Effective January 1, 2016;
amended effective March
16, 2020.

Pursuant to Louisiana Code of Criminal Procedure Articles 522 and 551, a defendant's appearance in this court for the Article 230.1 hearing and the initial setting of bail may be accomplished by use of telephone or 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 Louisiana Code of Criminal Procedure Article 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 hearings (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;
7. Any other proceeding where specifically allowed by the Louisiana Code of Criminal Procedure relative to simultaneous audio-visual transmission, including, but not limited to, Louisiana Code of Criminal Procedure Article 562.

**Twenty-Ninth Judicial
District Court**

Parish of St. Charles

Amended effective March
19, 2020.

Rule XIX. Simultaneous Appearance by Electronic Transmission

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 an absent party, 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.

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

3. Court pre-approval necessary. The Court may allow simultaneous audiovisual appearance of a party and/or their attorney of record by audiovisual transmission using encrypted software in a court proceeding only in instances pre-approved by all counsel of record and/or unrepresented parties to the case and by the presiding judge in those matters referenced in Rule 5 below.

4. The Court is 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 and/or their counsel of record.
5. Pursuant to Louisiana Code of Criminal Procedure Articles 522 and 230.1, a defendant's appearance in this Court for seventy-two (72) hour hearing and the initial setting of bail may be accomplished by simultaneous transmission through telephone or audiovisual equipment.
6. Pursuant to Louisiana Code of Criminal Procedure Articles 551 and 562, and upon request of both the district attorney and the defendant and/or defense counsel, and at the discretion of the presiding judge, a defendant a defendant charged with a misdemeanor or felony offense, who is confined in jail, prison, or other detention facility in Louisiana, may be permitted to appear in this Court for arraignment may be accomplished by way of simultaneous transmission through audiovisual transmission equipment.
7. Pursuant to Louisiana Code of Criminal Procedure Article 562, and upon request of both the district attorney and the defendant and/or defense counsel, and a waiver of personal appearance by the defendant, a defendant charged with a misdemeanor or felony offense, who is confined in jail, prison, or other detention facility in Louisiana, may be permitted to appear in this Court, at the discretion of the presiding judge, for (a) any preliminary matter or pretrial conference that does not involve the taking of testimony; (b) the entry of his plea of guilty; and (c) any revocation hearing for a probation violation, including any hearing for a contempt of court, by simultaneous audiovisual transmission.
8. Court Discretion. Upon 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.
9. 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.
10. Public Access. The Court will maintain public access to proceedings, as provided by law, when a party appears by means of simultaneous audiovisual transmission equipment, unless public access is restricted by emergency order of this Court.
11. Status Conference. Upon request of all counsel of record, and at the discretion of the presiding judge, the Court may conduct a status conference in any civil, criminal, or domestic matter via simultaneous audiovisual transmission. Nothing herein shall prohibit all counsel of record from waiving the appearance of their represented client for purposes of participating in a status conference with the Court.

**Thirtieth Judicial District
Court**

Parish of Vernon

**Thirty-First Judicial
District Court**

Parish of Jefferson Davis

**Thirty-Second Judicial
District Court**

Parish of Terrebonne

**Thirty-Third Judicial
District Court**

Parish of Allen

**Thirty-Fourth 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.

**Thirty-Fifth Judicial
District Court**

Parish of Grant

Effective January 1, 2016;
amended effective March
26, 2020.

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. Any hearing conducted pursuant to La. Code of Criminal Procedure Article 230.1;
2. Initial setting of bond;
3. Pretrial conference;
4. Hearing on a Pretrial Motion that does not involve the taking of testimony;
5. Arraignment;
6. Entry of plea of guilty or nolo contendere;
7. Revocation hearing for a probation violation;
8. Hearing for contempt of court;
9. Any post-conviction proceeding; and
10. Any other proceeding where specifically allowed by the Code of Criminal Procedure relative to simultaneous Audio/Visual Transmission.

**Thirty-Sixth Judicial
District Court**

Parish of Beauregard

**Thirty-Seventh Judicial
District Court**

Parish of Caldwell

Enacted effective March
16, 2020.

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

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 presiding 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 Louisiana Code of Criminal Procedure relative to simultaneous telephone or Audio-Visual Transmission.

**Thirty-Eighth Judicial
District Court**

Parish of Cameron

**Thirty-Ninth Judicial
District Court**

Parish of Red River

**Fortieth Judicial District
Court**

**Parish of St. John the
Baptist**

Civil District Court

Parish of Orleans

Criminal District Court

Parish of Orleans

Effective January 1, 2016.

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:

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.

Forty-Second Judicial

District Court

Parish of DeSoto
