

2022 Regular Session

HOUSE BILL NO. 1059 (Substitute for House Bill No. 500 by Representative Bacala)

BY REPRESENTATIVE BACALA

BAIL: Provides relative to contradictory bail hearings for certain persons

1 AN ACT

2 To enact Code of Criminal Procedure Article 313(E), relative to bail; to provide relative to
3 a contradictory bail hearing prior to setting bail; to require a contradictory bail
4 hearing prior to setting bail for certain persons; to require the court to order a
5 contradictory hearing to be held within a certain period of time; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 313(E) is hereby enacted to read as
9 follows:

10 Art. 313. Gwen's Law; bail hearings; detention without bail

11 * * *

12 E. A contradictory bail hearing, as provided by this Paragraph, shall be held
13 prior to setting bail for a person in custody for a crime of violence enumerated or
14 defined in R.S. 14:2(B) who is currently released pursuant to a bail undertaking for
15 a felony crime of violence enumerated or defined in R.S. 14:2(B). The court, after
16 having been given notice of the previously posted bail undertaking, shall order a
17 contradictory hearing to be held within five days of receiving notice, exclusive of
18 weekends and legal holidays.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1059 Reengrossed

2022 Regular Session

Bacala

Abstract: Requires a contradictory hearing to be held prior to setting bail for certain persons.

Present law provides relative to contradictory bail hearings for persons in custody.

Proposed law retains present law and provides that prior to setting bail, a contradictory hearing is required for a person in custody for a crime of violence who is currently released pursuant to a bail undertaking for a felony crime of violence.

Proposed law further requires the court, after receiving notice, to order the contradictory hearing to be held within five days, exclusive of weekends and legal holidays.

(Adds C.Cr.P. Art. 313(E))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove proposed law which provides relative to contradictory hearings prior to setting bail for a person in custody for a crime of violence who has a previous conviction for a felony crime of violence and for a person who is currently released pursuant to a bail undertaking after a conviction for a felony crime of violence.