

Regular Session, 2010

ACT No. 141

HOUSE BILL NO. 28

BY REPRESENTATIVE WOOTON AND SENATOR MARTINY

1 AN ACT

2 To enact Code of Criminal Procedure Article 957, relative to emergency sessions of court;
3 to authorize the release of certain defendants on bail through an unsecured personal
4 surety without proof of security interest under certain conditions; to provide for the
5 conditions and criteria for the release of defendants without proof of security; to
6 provide for applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 957 is hereby enacted to read as
9 follows:

10 Art. 957. Bail during emergency sessions of court; selected offenses

11 A. Notwithstanding any other provision of law to the contrary, an affected
12 court conducting emergency sessions of court outside of its parish or territorial
13 jurisdiction pursuant to Article 944 may release a defendant on bail through an
14 unsecured personal surety as authorized by Article 317, without proof of a security
15 interest pursuant to the provisions of this Article.

16 B. The provisions of this Article shall not apply to any defendant who has
17 been arrested for any of the following offenses:

18 (1) A crime of violence as defined in R.S. 14:2(B).

19 (2) A sex offense as defined in R.S. 15:541.

20 (3) A felony offense, an element of which includes the discharge, use, or
21 possession of a firearm.

22 (4) A violation of R.S. 14:98, operating a vehicle while intoxicated, or a
23 parish or municipal ordinance that prohibits operating a vehicle while intoxicated,
24 while impaired, or while under the influence of alcohol or any controlled dangerous
25 substance.

1 C. The affected court may release a defendant on bail through a personal
2 surety without proof of a security interest as required by Article 319 if all of the
3 following conditions are met:

4 (1) The defendant was arrested for an offense which is not excluded by
5 Paragraph B of this Article.

6 (2) The personal surety meets the requirements of Articles 315 and 318 for
7 a secured personal surety.

8 (3) Proof of a security interest cannot be obtained due to emergency or
9 disaster circumstances as provided for in Article 944.

10 (4) The court requires that the unsecured surety be converted to a
11 commercial surety or secured personal surety as soon as proof of a security interest
12 can be obtained, or within thirty days of issuance of the unsecured bail, whichever
13 occurs earlier. If proof of a security interest cannot be obtained due to emergency
14 or disaster circumstances, the court may extend the period to obtain proof of the
15 security interest for additional thirty-day increments as determined to be necessary
16 by the court.

17 D. The provisions of this Article shall not be construed to limit the
18 constitutional right to bail or the inherent authority of the court to set bail.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____