

SENATE BILL NO. 150

BY SENATORS PERRY AND RISER

1 AN ACT

2 To enact Code of Criminal Procedure Article 330.4, relative to bail and bail hearings; to  
3 require the detention of a noncitizen defendant pending a bail hearing on a charge  
4 involving a fatality; to provide relative to bail hearing procedures; to provide relative  
5 to conditions of bail; to provide relative to revocation of bail and issuance of arrest  
6 warrants; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 330.4 is hereby enacted to read as  
9 follows:

10 **Art. 330.4. Detention of noncitizen defendant pending bail hearing**

11 **A. A contradictory bail hearing, as provided for in this Article, shall be**  
12 **held prior to setting bail for any person in custody who is not a citizen of the**  
13 **United States or not lawfully admitted for permanent residence and who is**  
14 **charged with the commission of an offense in which there was a fatality. The**  
15 **hearing shall be held within five days from the date of determination of**  
16 **probable cause, exclusive of weekends and legal holidays. At the contradictory**  
17 **hearing, the court shall determine the conditions of bail or whether the**  
18 **defendant should be held without bail pending trial.**

19 **B. In determining whether the defendant should be admitted to bail**  
20 **pending trial, or in determining the conditions of bail, the judge or magistrate**  
21 **shall consider the following:**

22 **(1) The criminal history of the defendant.**

23 **(2) The nature and seriousness of the danger to any other person or the**  
24 **community that would be posed by the defendant's release.**

25 **(3) Documented history or records of substance abuse by the defendant.**

26 **(4) The seriousness of the offense charged and the weight of the evidence**  
27 **against the defendant.**

1                   **(5) The risk that the defendant might flee.**

2                   **C. Following the contradictory hearing and based upon the judge's or**  
3                   **magistrate's review of the factors set forth in Paragraph B of this Article, the**  
4                   **judge or magistrate may order that the defendant not be admitted to bail, upon**  
5                   **proof by clear and convincing evidence that the defendant might flee, or that the**  
6                   **defendant poses an imminent danger to any other person or the community.**

7                   **D. If bail is granted, the judge or magistrate may consider, as a condition**  
8                   **of bail, a requirement that the defendant wear an electronic monitoring device**  
9                   **and be placed under active electronic monitoring and house arrest. The**  
10                  **conditions of the electronic monitoring and house arrest shall be determined by**  
11                  **the court and may include but are not limited to limitation of the defendant's**  
12                  **activities outside the home and a curfew. The defendant may be required to pay**  
13                  **a reasonable supervision fee to the supervising agency to defray the cost of the**  
14                  **required electronic monitoring and house arrest.**

15                  **E. Any violation of the conditions of bail may be punishable by**  
16                  **revocation of the bond and the issuance of a bench warrant for the defendant's**  
17                  **arrest or remanding of the defendant to custody or a modification of the terms**  
**of bail.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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