

RÉSUMÉ DIGEST

ACT 474 (SB 150)

2016 Regular Session

Perry

New law provides that a contradictory bail hearing must be held prior to setting bail for any person in custody who is not a U.S. citizen or not lawfully admitted for permanent residence and who is charged with the commission of an offense involving a fatality.

Provides that this hearing is to be held within five days from the date of determination of probable cause, exclusive of weekends and legal holidays. Further provides that at the contradictory hearing, the court is to determine the conditions of bail or whether the defendant should be held without bail pending trial.

Provides that in determining whether the defendant should be admitted to bail pending trial, or in determining the conditions of bail, the judge or magistrate is to consider the following:

- (1) The criminal history of the defendant.
- (2) The nature and seriousness of the danger to any other person or the community that would be posed by the defendant's release.
- (3) Documented history or records of substance abuse by the defendant.
- (4) The seriousness of the offense charged and the weight of the evidence against the defendant.
- (5) The risk that the defendant might flee.

Provides that following the contradictory hearing and based upon the judge's or magistrate's review of the factors set forth in new law, the judge or magistrate may order that the defendant not be admitted to bail, upon proof by clear and convincing evidence that the defendant might flee, or that the defendant poses an imminent danger to any other person or the community.

Provides that if bail is granted, the judge or magistrate may consider, as a condition of bail, a requirement that the defendant wear an electronic monitoring device and be placed under active electronic monitoring and house arrest. Provides that the conditions of the electronic monitoring and house arrest are to be determined by the court and may include but are not limited to limitation of the defendant's activities outside the home and a curfew. Further provides that the defendant may be required to pay a reasonable supervision fee to the supervising agency to defray the cost of the required electronic monitoring and house arrest.

Provides that any violation of the conditions of bail may be punishable by revocation of the bond and the issuance of a bench warrant for the defendant's arrest or remanding of the defendant to custody or a modification of the terms of bail.

Effective August 1, 2016.

(Adds C.Cr.P. Art. 330.4)