

2018 Regular Session

SENATE BILL NO. 208

BY SENATOR HEWITT

CRIMINAL PROCEDURE. Provides relative to bail after conviction. (gov sig)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 312(G), relative to bail; to provide
3 relative to the right to bail after conviction of an offense that is both a sex offense
4 and a crime of violence; to provide definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Art. 312(G) is hereby amended and reenacted
7 to read as follows:

8 Art. 312. Right to bail before and after conviction

9 * * *

10 G.(1) After conviction of a capital offense, a defendant shall not be allowed
11 bail.

12 **(2)(a) After conviction of any crime punishable by imprisonment for**
13 **twenty-five years or more that is both a sex offense and a crime of violence,**
14 **there shall be a rebuttable presumption that the release of the person convicted**
15 **will pose a danger to another person or the community and that there is a**
16 **substantial risk that the person convicted might flee.**

17 **(b) For purposes of this Paragraph:**

1 **(i) "Sex offense" means any offense that requires registration and**
 2 **notification pursuant to R.S. 15:540 et seq.**

3 **(ii) "Crime of violence" means any offense defined or enumerated as a**
 4 **crime of violence in R.S. 14:2(B).**

5 * * *

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

DIGEST

SB 208 Reengrossed

2018 Regular Session

Hewitt

Present law provides that after conviction and before sentence, bail is to be allowed if the maximum sentence that may be imposed is imprisonment for five years or less.

Proposed law retains present law.

Present law provides that bail may be allowed pending sentence if the maximum sentence that may be imposed is imprisonment exceeding five years, except when the court has reason to believe, based on competent evidence, that the release of the person convicted will pose a danger to any other person or the community, or that there is a substantial risk that the person convicted might flee.

Proposed law retains present law.

Present law provides that after conviction of a capital offense, a defendant cannot be allowed bail.

Proposed law retains present law and adds that after conviction of any crime punishable by imprisonment for 25 years or more that is both a sex offense and a crime of violence, there exists a rebuttable presumption that the release of the person convicted will pose a danger to another person or the community and that there is a substantial risk that the person convicted might flee.

Proposed law defines "sex offense" as any offense that requires registration and notification pursuant to present law relative to sex offender registration and notification.

Proposed law defines "crime of violence" as any offense defined or enumerated as a crime of violence in present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 312(G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Add provision relative to conclusive presumption against bail for defendants convicted of certain crimes.

Senate Floor Amendments to engrossed bill

1. Changes conclusive presumption to rebuttal presumption.