

2019 Regular Session

SENATE BILL NO. 23

BY SENATOR PRICE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL PROCEDURE. Provides relative to temporary detention of a person in custody pending a bail hearing. (8/1/19)

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AN ACT

To amend and reenact Code of Criminal Procedure Article 313(B), relative to bail; to provide relative to the temporary detention of a person in custody under certain circumstances pending a bail hearing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 313(B) is hereby amended and reenacted to read as follows:

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

\* \* \*

B. Upon motion of the prosecuting attorney, or upon the court's determination that additional information is needed in order to set reasonable bail, the judge or magistrate may order the temporary detention of a person in custody who is charged with the commission of an offense, for a period of not more than five days, exclusive of weekends and legal holidays, pending the conducting of a contradictory bail hearing. Following the contradictory hearing, upon proof by clear and convincing evidence either that there is a substantial risk that the defendant might flee or that the defendant poses an imminent danger to any other person or the

1 community, the judge or magistrate may order the defendant held without bail  
2 pending trial.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 23 Engrossed 2019 Regular Session Price

Present law provides that, upon motion of the prosecuting attorney, a judge or magistrate may order the temporary detention of a person in custody who is charged with the commission of an offense, for a period of not more than five days, exclusive of weekends and legal holidays, pending the conducting of a contradictory bail hearing.

Proposed law retains present law and adds that a judge or magistrate may also order the temporary detention of a person in custody pending a contradictory bail hearing upon the court's determination that additional information is needed in order to set reasonable bail.

Present law provides that, following the contradictory hearing, upon proof by clear and convincing evidence either that there is a substantial risk that the defendant might flee or that the defendant poses an imminent danger to any other person or the community, the judge or magistrate may order the defendant held without bail pending trial.

Proposed law retains present law.

Effective August 1, 2019.

(Amends C.Cr.P. Art. 313(B))