## SLS 22RS-114

## ORIGINAL

2022 Regular Session

SENATE BILL NO. 4

BY SENATOR MORRIS

CRIMINAL PROCEDURE. Constitutional amendment to eliminate judge's discretion to grant bail for certain offenses after conviction but prior to sentencing. (2/3 - CA13s1(A))

1	A JOINT RESOLUTION
2	Proposing to amend Article I, Section 18(A) of the Constitution of Louisiana, relative to
3	post-conviction bail; to eliminate judge's discretion to grant bail for certain offenses
4	prior to conviction but before sentencing; to specify an election for submission of the
5	proposition to electors; and to provide a ballot proposition.
6	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7	elected to each house concurring, that there shall be submitted to the electors of the state, for
8	their approval or rejection in the manner provided by law, a proposal to amend Article I,
9	Section 18(A) of the Constitution of Louisiana, to read as follows:
10	§18. Right to Bail
11	Section 18.(A) Excessive bail shall not be required. Before and during a trial,
12	a person shall be bailable by sufficient surety, except when he is charged with a
13	capital offense and the proof is evident and the presumption of guilt is great. After
14	conviction and before sentencing, a person shall be bailable if the maximum sentence
15	which may be imposed is imprisonment for five years or less; and the judge may
16	grant bail if the maximum sentence which may be imposed is imprisonment
17	exceeding five years. After sentencing and until final judgment, a person shall be

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	bailable if the sentence actually imposed is five years or less; and the judge may
2	grant bail if the sentence actually imposed exceeds imprisonment for five years.
3	* * *
4	Section 2. Be it further resolved that this proposed amendment shall be submitted
5	to the electors of the state of Louisiana at the statewide election to be held on November 8,
6	2022.
7	Section 3. Be it further resolved that on the official ballot to be used at said election
8	there shall be printed a proposition, upon which the electors of the state shall be permitted
9	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
10	follows:
11	Do you support an amendment to eliminate the constitutional provision
12	providing a judge with discretion to grant bail after a defendant is convicted
13	but prior to being sentenced, when the maximum sentence is greater than five
14	years?
15	(Amends Const. Art. I, Sec. 18(A))

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

## DIGEST

SB 4 Original

2022 Regular Session

Morris

Present constitution provides for mandatory granting of bail when the maximum sentence a defendant faces is less than five years, but gives the judge discretion to grant bail when the maximum sentence which may be imposed is greater than five years.

Proposed constitutional amendment eliminates the provision for granting of bail after a defendant has been convicted but has not yet been sentenced when the maximum sentence which may be imposed is greater than five years.

Proposed constitutional amendment otherwise retains present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 8, 2022.

(Amends Const. Art. I, Sec. 18(A))