

SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 89 by Senator Morris

1 AMENDMENT NO. 1

2 On page 1, line 2, after "312(E)" delete "and 873" and insert ", (F), and (G)"

3 AMENDMENT NO. 2

4 On page 1, line 4, delete "to provide relative to the delay for sentencing for certain offenses;"

5 AMENDMENT NO. 3

6 On page 1, line 7, after "312(E)" delete "and 873" and insert ", (F), and (G)"

7 AMENDMENT NO. 4

8 On page 1, delete lines 11 to 17 and insert the following:

9 "Art. 312. Right to bail before and after conviction

10 * * *

11 E. After (1) Except as provided in Paragraph G of this Article, after
12 conviction and before sentence, bail shall be allowed if the maximum sentence which
13 may be imposed is imprisonment for five years or less. Bail Except as provided in
14 Paragraph G of this Article, bail may be allowed pending sentence if the maximum
15 sentence which may be imposed is imprisonment exceeding five years, except when
16 the court has reason to believe, based on competent evidence, that the release of the
17 person convicted will pose a danger to any other person or the community, or that
18 there is a substantial risk that the person convicted might flee.

19 F. After Except as provided in Paragraph G of this Article, after sentence
20 and until final judgment, bail shall be allowed if a sentence of five years or less is
21 actually imposed. Bail Except as provided in Paragraph G of this Article, bail
22 may be allowed after sentence and until final judgment if the sentence actually
23 imposed exceeds imprisonment for five years, except when the court has reason to
24 believe, based on competent evidence, that the release of the person convicted will
25 pose a danger to any other person or the community, or that there is a substantial risk
26 that the person convicted might flee.

27 G. ~~(1) After conviction of a capital offense, a defendant shall not be allowed~~
28 ~~bail.~~

29 ~~(2)(a) After conviction of any crime punishable by imprisonment for twenty-~~
30 ~~five years or more that is both a sex offense and a crime of violence, there shall be~~
31 ~~a rebuttable presumption that the release of the person convicted will pose a danger~~
32 ~~to another person or the community and that there is a substantial risk that the person~~
33 ~~convicted might flee.~~

34 ~~(b) For purposes of this Paragraph:~~

35 ~~(i) "Crime of violence" means any offense defined or enumerated as a crime~~
36 ~~of violence in R.S. 14:2(B).~~

37 ~~(ii) "Sex offense" means any offense that requires registration and~~
38 ~~notification pursuant to R.S. 15:540 et seq.~~

39 Notwithstanding any other provision of law to the contrary, after
40 conviction of any of the following offenses, a defendant shall not be allowed bail:

41 (1) Any offense punishable by death or life imprisonment.

42 (2) Any offense that is both a crime of violence as defined in R.S. 14:2(B)
43 and a sex offense as defined in R.S. 15:541.

44 (3) Any offense that is a felony committed upon a family member,
45 household member, or dating partner, as those terms are defined by R.S.

1 46:2132, for which the defendant is in whole or in part not eligible for
2 probation.

3 (4) Any other offense punishable by imprisonment for thirty years or
4 more.

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6 AMENDMENT NO. 5

7 On page 2, delete lines 1 through 14