### SLS 22RS-114

#### ENGROSSED

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 provide that after conviction, a person may be bailable in
4	accordance with law; to specify an election for submission of the proposition to
5	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, a person may be bailable in accordance with law. and before
15	sentencing, a person shall be bailable if the maximum sentence which may be
16	imposed is imprisonment for five years or less; and the judge may grant bail if the
17	maximum sentence which may be imposed is imprisonment exceeding five years.

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. SLS 22RS-114

1	After sentencing and until final judgment, a person shall be bailable if the sentence
2	actually imposed is five years or less; and the judge may grant bail if the sentence
3	actually imposed exceeds imprisonment for five years.
4	* * *
5	Section 2. Be it further resolved that this proposed amendment shall be submitted
6	to the electors of the state of Louisiana at the statewide election to be held on November 8,
7	2022.
8	Section 3. Be it further resolved that on the official ballot to be used at said election
9	there shall be printed a proposition, upon which the electors of the state shall be permitted
10	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
1	follows:
12	Do you support an amendment to replace the constitutional provision
13	requiring bail after conviction in certain cases with a provision that after
4	conviction, a person may be bailable in accordance with law?
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 Engrossed

2022 Regular Session

Morris

<u>Present constitution</u> 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.

<u>Proposed constitutional amendment</u> deletes the provision for granting of bail after a defendant has been convicted but has not yet been sentenced, and adds that the person may be bailable in accordance with any provision of law.

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))

#### SLS 22RS-114

### Summary of Amendments Adopted by Senate

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

- 1. Deletes constitutional provision that a person may be bailable after conviction and adds that a person may be bailable in accordance with any provision of law.
- 2. Changes proposed question to voters.