2022 Regular Session

1

HOUSE BILL NO. 1059 (Substitute for House Bill No. 500 by Representative Bacala)
BY REPRESENTATIVE BACALA

AN ACT

2 To amend and reenact Code of Criminal Procedure Article 312(G)(2)(b) and (H) and to 3 enact Code of Criminal Procedure Article 312(G)(2)(c) and 313(E), relative to bail; 4 to provide relative to a contradictory bail hearing prior to setting bail; to require a 5 contradictory bail hearing prior to setting bail for certain persons; to require the court 6 to order a contradictory hearing to be held within a certain period of time; to provide 7 for revocation; to provide for supervisory jurisdiction; and to provide for related 8 matters. 9 Be it enacted by the Legislature of Louisiana: 10 Section 1. Code of Criminal Procedure Article 312(G)(2)(b) and (H) are hereby 11 amended and reenacted and Code of Criminal Procedure Article 312(G)(2)(c) and 313(E) 12 are hereby enacted to read as follows: 13 Art. 312. Right to bail before and after conviction 14 G. 15 16 17 **(2)** 18 19 (b) If bail is granted pursuant to Subsubparagraph (a) of this Subparagraph, 20 upon subsequent arrest by the defendant for any violation of Title 14 of the Louisiana 21 Revised Statutes of 1950 the court shall enter an order revoking bail.

Page 1 of 2

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

HB NO. 1059 **ENROLLED** 1 (c) For purposes of this Paragraph: 2 (i) "Crime of violence" means any offense defined or enumerated as a crime 3 of violence in R.S. 14:2(B). 4 (ii) "Sex offense" means any offense that requires registration and 5 notification pursuant to R.S. 15:540 et seq. H.(1) A person held without bail or unable to post bail may invoke the 7 supervisory jurisdiction of the court of appeal on a claim that the trial court has 8 improperly refused bail or a reduction of bail in a bailable case. 9 (2) If an order revoking bail is not entered pursuant to Subsubparagraph 10 (G)(2)(b) of this Article, the state may invoke the supervisory jurisdiction of the 11 court of appeal on a claim that the trial court has improperly refused to revoke bail 12 in accordance with Subsubparagraph (G)(2)(b) of this Article. 13 Art. 313. Gwen's Law; bail hearings; detention without bail 14 15 E. A contradictory bail hearing, as provided by this Paragraph, may be held 16 prior to setting bail for a person in custody for a crime of violence enumerated or 17 defined in R.S. 14:2(B) who is currently released pursuant to a bail undertaking for 18 a felony crime of violence enumerated or defined in R.S. 14:2(B). The court, after 19 having been given notice by a law enforcement agency of the previously posted bail 20 undertaking, may order a contradictory hearing to be held within five days of 21 receiving notice, exclusive of weekends and legal holidays. If the court decides not 22 to hold a contradictory hearing, it shall notify the prosecuting attorney prior to 23 setting bail. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

Page 2 of 2

APPROVED: __

GOVERNOR OF THE STATE OF LOUISIANA