
DIGEST

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HB 99 Engrossed

2024 Regular Session

Bacala

Abstract: Requires a contradictory hearing to be held prior to setting bail for certain persons.

Present law provides relative to contradictory bail hearings for persons in custody.

Proposed law provides that when a person is arrested for a sex offense or a felony crime of violence, no bail shall be set until a magistrate has made a determination as to whether the contradictory bail hearing requirements of proposed law apply.

Proposed law further provides that any magistrate with the authority to fix bail as provided in present law (C.Cr.P. Art. 314) may request that the law enforcement agency having custody of the defendant provide the magistrate with the criminal history of the defendant in order to determine whether the requirements of proposed law apply.

Present law provides that a contradictory bail hearing shall be held prior to setting bail for a person in custody who is charged with the commission of a sex offense and who has been previously convicted of a sex offense.

Proposed law amends present law to provide that a contradictory bail hearing shall be held prior to setting bail for a person in custody who meets any of the following criteria:

- (1) The person is charged with the commission of a sex offense or felony crime of violence and has been previously convicted of a sex offense or felony crime of violence.
- (2) The person is charged with the commission of a sex offense or felony crime of violence and is currently released pursuant to a bail undertaking posted pursuant to present law (C.Cr.P. Art. 312) for a sex offense or felony crime of violence.

Present law provides that the court, after having been given notice of an applicable prior conviction as described in present law, shall order a contradictory hearing to be held within five days of receiving notice of the prior conviction, exclusive of weekends and legal holidays.

Proposed law amends present law to require the court, after determining that the provisions of present law apply, to order a contradictory hearing to be held within five days or as soon as practical under the circumstance after the determination, exclusive of weekends and legal holidays.

Present law defines the term "sex offense".

Proposed law retains present law and defines the term "felony crime of violence".

(Amends C.Cr.P. Art. 313(C)(1), (2), and (5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Require that no bail shall be set when a person is arrested for a sex offense or a felony crime of violence until a magistrate has made a determination as to whether the contradictory bail hearing requirements of proposed law apply.
3. Permit any magistrate with the authority to fix bail to request that the law enforcement agency having custody of the defendant provide the magistrate with the criminal history of the defendant in order to determine whether the contradictory hearing requirements apply.
4. Require a contradictory bail hearing prior to setting bail for a person in custody who meets any of the following criteria:
 - (a) The person is charged with the commission of a sex offense or felony crime of violence and has been previously convicted of a sex offense or felony crime of violence.
 - (b) The person is charged with the commission of a sex offense or felony crime of violence and is currently released pursuant to a bail undertaking posted before or after conviction for a sex offense or felony crime of violence.
5. Clarify that the court is required, after determining that the contradictory bail hearing requirements apply, to order a contradictory hearing to be held within five days or as soon as practical under the circumstance after the determination, exclusive of weekends and legal holidays.
6. Define the term "felony crime of violence".