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The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

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SB 150 Reengrossed

DIGEST  
2016 Regular Session

Perry

Proposed law provides that a contradictory bail hearing must be held prior to setting bail for any person in custody who is not a citizen of the U.S. or not lawfully admitted for permanent residence and who is charged with the commission of an offense involving a fatality.

Proposed law further provides that this hearing is to be held within five days from the date of determination of probable cause, exclusive of weekends and legal holidays. Further provides that at the contradictory hearing, the court is to determine the conditions of bail or whether the defendant should be held without bail pending trial.

Proposed law provides that in determining whether the defendant should be admitted to bail pending trial, or in determining the conditions of bail, the judge or magistrate is to consider the following:

- (1) The criminal history of the defendant.
- (2) The nature and seriousness of the danger to any other person or the community that would be posed by the defendant's release.
- (3) Documented history or records of substance abuse by the defendant.
- (4) The seriousness of the offense charged and the weight of the evidence against the defendant.
- (5) The risk that the defendant might flee.

Proposed law provides that following the contradictory hearing and based upon the judge's or magistrate's review of the factors set forth in proposed law, the judge or magistrate may order that the defendant not be admitted to bail, upon proof by clear and convincing evidence that the defendant might flee, or that the defendant poses an imminent danger to any other person or the community.

Proposed law provides that if bail is granted, the judge or magistrate may consider, as a condition of bail, a requirement that the defendant wear an electronic monitoring device and be placed under active electronic monitoring and house arrest. Provides that the conditions of the electronic monitoring and house arrest are to be determined by the court and may include but are not limited to limitation of the defendant's activities outside the home and a curfew. Further provides that the defendant may be required to pay a reasonable supervision fee to the supervising agency to defray the cost of the required electronic monitoring and house arrest.

Proposed law provides that any violation of the conditions of bail may be punishable by revocation

of the bond and the issuance of a bench warrant for the defendant's arrest or remanding of the defendant to custody or a modification of the terms of bail.

Effective August 1, 2016.

(Adds C.Cr.P. Art. 330.4)

#### Summary of Amendments Adopted by Senate

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

1. Change applicability of proposed law from a defendant charged with any offense to a defendant charged with an offense involving a fatality.

##### Senate Floor Amendments to engrossed bill

1. Provides which defendants shall receive a contradictory bail hearing prior to the setting of bail.
2. Changes the scope of information a judge or magistrate shall consider when determining if a defendant should be admitted to bail or the conditions of bail.
3. Removes the requirement that a judge or magistrate shall comply with the provisions of present law relative to offenses committed against a family member or dating partner, sexual assault, or stalking, as applicable.
4. Technical corrections.