

SENATE BILL NO. 150

BY SENATORS PERRY AND RISER

1 AN ACT

2 To enact Code of Criminal Procedure Article 330.4, relative to bail and bail hearings; to
3 require the detention of a noncitizen defendant pending a bail hearing on a charge
4 involving a fatality; to provide relative to bail hearing procedures; to provide relative
5 to conditions of bail; to provide relative to revocation of bail and issuance of arrest
6 warrants; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 330.4 is hereby enacted to read as
9 follows:

10 **Art. 330.4. Detention of noncitizen defendant pending bail hearing**

11 **A. A contradictory bail hearing, as provided for in this Article, shall be**
12 **held prior to setting bail for any person in custody who is not a citizen of the**
13 **United States or not lawfully admitted for permanent residence and who is**
14 **charged with the commission of an offense in which there was a fatality. The**
15 **hearing shall be held within five days from the date of determination of**
16 **probable cause, exclusive of weekends and legal holidays. At the contradictory**
17 **hearing, the court shall determine the conditions of bail or whether the**
18 **defendant should be held without bail pending trial.**

19 **B. In determining whether the defendant should be admitted to bail**
20 **pending trial, or in determining the conditions of bail, the judge or magistrate**
21 **shall consider the following:**

22 **(1) The criminal history of the defendant.**

23 **(2) The nature and seriousness of the danger to any other person or the**
24 **community that would be posed by the defendant's release.**

25 **(3) Documented history or records of substance abuse by the defendant.**

26 **(4) The seriousness of the offense charged and the weight of the evidence**
27 **against the defendant.**

1 **(5) The risk that the defendant might flee.**

2 **C. Following the contradictory hearing and based upon the judge's or**
3 **magistrate's review of the factors set forth in Paragraph B of this Article, the**
4 **judge or magistrate may order that the defendant not be admitted to bail, upon**
5 **proof by clear and convincing evidence that the defendant might flee, or that the**
6 **defendant poses an imminent danger to any other person or the community.**

7 **D. If bail is granted, the judge or magistrate may consider, as a condition**
8 **of bail, a requirement that the defendant wear an electronic monitoring device**
9 **and be placed under active electronic monitoring and house arrest. The**
10 **conditions of the electronic monitoring and house arrest shall be determined by**
11 **the court and may include but are not limited to limitation of the defendant's**
12 **activities outside the home and a curfew. The defendant may be required to pay**
13 **a reasonable supervision fee to the supervising agency to defray the cost of the**
14 **required electronic monitoring and house arrest.**

15 **E. Any violation of the conditions of bail may be punishable by**
16 **revocation of the bond and the issuance of a bench warrant for the defendant's**
17 **arrest or remanding of the defendant to custody or a modification of the terms**
of bail.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____