

1 WHEREAS, the United States Supreme Court and other courts have looked to the
2 *Standards* for guidance about the appropriate balance between individual rights and public
3 safety in the field of criminal justice; and

4 WHEREAS, the *Standards* reflect the ABA's conclusion that "although there may
5 be narrow circumstances in which monetary conditions of release are necessary to ensure
6 a defendant's appearance, inflexible money-bail requirements drawn from a present schedule
7 of offenses, which takes no account of a defendant's individual circumstances, should be
8 abolished" as such systems discriminate against the indigent, seriously impair the rights of
9 persons accused of crimes, and provide little benefit to the public; and

10 WHEREAS, in its Amicus Curiae brief to the United States Court of Appeals for the
11 Eleventh Circuit in the case *Walker v. City of Calhoun*, the ABA argues that inflexible
12 money-bail systems that rely on preset bail schedules, instead of individualized
13 determinations of the appropriate conditions of release, violate the Due Process and Equal
14 Protection Clauses of the Fourteenth Amendment; and

15 WHEREAS, it is important that Louisiana's system of pretrial release and detention
16 protects the community and ensures the appearance of the accused for court dates, while
17 securing the rights of the accused.

18 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
19 urge and request the Louisiana State Law Institute to review Louisiana laws regarding bail
20 and to study whether a system which provides for the presumed release of a person on
21 unsecured personal surety or bail without surety in lieu of a preset bail schedule would be
22 more successful in ensuring the appearance of the defendant and the public safety of the
23 community.

24 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall report
25 its findings to the Louisiana Legislature no later than February 1, 2019.

26 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be sent to the
27 Louisiana State Law Institute.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 100 Original

2018 Regular Session

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Requests that the La. State Law Institute review La. laws regarding bail and study whether a system which provides for the presumed release of a person on unsecured personal surety or bail without surety in lieu of a preset bail schedule would be more successful in ensuring the appearance of the defendant and the public safety of the community. Requires the La. State Law Institute to report its findings no later than Feb. 1, 2019.