

2022 Regular Session

SENATE BILL NO. 89

BY SENATOR MORRIS

CRIMINAL PROCEDURE. Provides relative to bail for offenders convicted of certain offenses while awaiting sentencing and to provide relative to the delay for sentencing for certain offenses. (8/1/22)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 312(E) and 873, relative to bail; to
3 provide relative to bail for offenders who have committed or been convicted of
4 certain offenses; to provide relative to the delay for sentencing for certain offenses;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Art. 312(E) and 873 are hereby amended and
8 reenacted to read as follows:

9 Art. 312. Right to bail before and after conviction

10 * * *

11 **E.(1) Except as provided in Paragraph (2) of this Subparagraph, after**

12 ~~After~~ conviction and before sentence, bail shall be allowed if the maximum sentence
13 which may be imposed is imprisonment for five years or less. Bail may be allowed
14 pending sentence if the maximum sentence which may be imposed is imprisonment
15 exceeding five years, except when the court has reason to believe, based on
16 competent evidence, that the release of the person convicted will pose a danger to
17 any other person or the community, or that there is a substantial risk that the person

1 convicted might flee.

2 **(2) If the crime of conviction is a crime of violence as defined in R.S.**
3 **14:2(B), and the maximum sentence which may be imposed is imprisonment**
4 **exceeding five years, bail shall not be allowed, unless good cause is shown.**

5 * * *

6 Art. 873. Delay between conviction and sentence

7 **A.** If a defendant is convicted of a felony, at least three days shall elapse
8 between conviction and sentence. **A sentence for a crime of violence as defined in**
9 **R.S. 14:2(B) shall be imposed no later than six months from the date of**
10 **conviction, unless good cause is shown.**

11 **B.** If a motion for a new trial, or in arrest of judgment, is filed, sentence shall
12 not be imposed until at least twenty-four hours after the motion is overruled.

13 **C.** If the defendant expressly waives a delay provided for in this ~~article~~
14 **Article** or pleads guilty, sentence may be imposed immediately.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 89 Original

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Morris

Present law provides that after conviction and before sentence, bail must be allowed if the maximum sentence which may be imposed is imprisonment for five years or less.

Proposed law retains present law.

Present law provides that bail may be allowed pending sentence if the maximum sentence which may be imposed is imprisonment exceeding five years, except when the court has reason to believe, based on competent evidence, that the release of the person convicted will pose a danger to any other person or the community, or that there is a substantial risk that the person convicted might flee.

Proposed law retains present law, and provides that a person convicted of a crime of violence for which the maximum sentence is more than five years imprisonment, will be denied bail.

Present law provides that sentence must be imposed without unreasonable delay following conviction.

Proposed law retains present law, and provides that when the conviction is a crime of violence as defined in present law, the sentence must be imposed no later than six months after the date of conviction, unless good cause is shown.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 312(E) and 873)