
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Substitute for Original House Bill No. 500 by Representative Bacala as proposed by the House Committee on Administration of Criminal Justice

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact Code of Criminal Procedure Article 313(E), relative to bail; to provide relative to a contradictory bail hearing prior to setting bail; to require a contradictory bail hearing prior to setting bail for certain persons; to require the court to order a contradictory hearing to be held within a certain period of time; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 313(E) is hereby enacted to read as follows:

Art. 313. Gwen's Law; bail hearings; detention without bail

* * *

E. A contradictory bail hearing, as provided by this Paragraph, shall be held prior to setting bail for a person in custody who:

(1) Has a previous conviction for a felony crime of violence enumerated or defined in R.S. 14:2(B). The court, after having been given notice of an applicable prior conviction, shall order a contradictory hearing to be held within five days of receiving notice of the prior conviction, exclusive of weekends and legal holidays.

(2) Is currently released pursuant to a bail undertaking for a felony crime of violence enumerated or defined in R.S. 14:2(B). The court, after having been given notice of the previously posted bail undertaking, shall order a contradictory hearing to be held within five days of receiving the notice, exclusive of weekends and legal holidays.

(3) Is currently released pursuant to a bail undertaking after a conviction for a felony crime of violence enumerated or defined in R.S. 14:2(B). The court, after having been given notice of the previously posted bail undertaking and conviction,

shall order a contradictory hearing to be held within five days of receiving the notice, exclusive of weekends and holidays.

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)]

HB Draft

2022 Regular Session

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 retains present law and provides that prior to setting bail, a contradictory hearing is required for a person in custody who:

- (1) Has a previous conviction for a felony crime of violence.
- (2) Is currently released pursuant to a bail undertaking for a felony crime of violence.
- (3) Is currently released pursuant to a bail undertaking after a conviction for a felony crime of violence

Proposed law further requires the court, after receiving notice, to order the contradictory hearing to be held within five days, exclusive of weekends and legal holidays.

(Adds C.Cr.P. Art. 313(E))