

2022 Regular Session

HOUSE BILL NO. 1059 (Substitute for House Bill No. 500 by Representative Bacala)

BY REPRESENTATIVE BACALA

BAIL: Provides relative to contradictory bail hearings for certain persons

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

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

11 * * *

12 E. A contradictory bail hearing, as provided by this Paragraph, shall be held
13 prior to setting bail for a person in custody for a crime of violence enumerated or
14 defined in R.S. 14:2(B) who:

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

19 (2) Is currently released pursuant to a bail undertaking for a felony crime of
20 violence enumerated or defined in R.S. 14:2(B). The court, after having been given

1 notice of the previously posted bail undertaking, shall order a contradictory hearing
2 to be held within five days of receiving the notice, exclusive of weekends and legal
3 holidays.

4 (3) Is currently released pursuant to a bail undertaking after a conviction for
5 a felony crime of violence enumerated or defined in R.S. 14:2(B). The court, after
6 having been given notice of the previously posted bail undertaking and conviction,
7 shall order a contradictory hearing to be held within five days of receiving the notice,
8 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 1059 Engrossed

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Bacala

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 for a crime of violence 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))