

2022 Regular Session

SENATE BILL NO. 4

BY SENATOR MORRIS

CRIMINAL PROCEDURE. Constitutional amendment to eliminate judge's discretion to grant bail for certain offenses after conviction but prior to sentencing. (2/3 - CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Article I, Section 18(A) of the Constitution of Louisiana, relative to post-conviction bail; to provide that after conviction, a person may be bailable in accordance with law; to specify an election for submission of the proposition to electors; and to provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article I, Section 18(A) of the Constitution of Louisiana, to read as follows:

§18. Right to Bail

Section 18.(A) Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction, **a person may be bailable in accordance with law.** ~~and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years.~~

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Deletes constitutional provision that a person may be bailable after conviction and adds that a person may be bailable in accordance with any provision of law.
2. Changes proposed question to voters.