2022 Regular Session

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

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Article 312(G)(2)(b) and (H) and to
3	enact Code of Criminal Procedure Article 312(G)(2)(c) and 313(E), relative to bail;
4	to provide relative to a contradictory bail hearing prior to setting bail; to require a
5	contradictory bail hearing prior to setting bail for certain persons; to require the court
6	to order a contradictory hearing to be held within a certain period of time; to provide
7	for revocation; to provide for supervisory jurisdiction; and to provide for related
8	matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. Code of Criminal Procedure Article 312(G)(2)(b) and (H) are hereby
11	amended and reenacted and Code of Criminal Procedure Article 312(G)(2)(c) and 313(E)
12	are hereby enacted to read as follows:
13	Art. 312. Right to bail before and after conviction
14	* * *
15	G.
16	* * *
17	(2)
18	* * *
19	(b) If bail is granted pursuant to Subsubparagraph (a) of this Subparagraph,
20	upon subsequent arrest by the defendant for any violation of Title 14 of the Louisiana
21	Revised Statutes of 1950 the court shall enter an order revoking bail.

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1	(c) For purposes of this Paragraph:
2	(i) "Crime of violence" means any offense defined or enumerated as a crime
3	of violence in R.S. 14:2(B).
4	(ii) "Sex offense" means any offense that requires registration and
5	notification pursuant to R.S. 15:540 et seq.
6	H.(1) A person held without bail or unable to post bail may invoke the
7	supervisory jurisdiction of the court of appeal on a claim that the trial court has
8	improperly refused bail or a reduction of bail in a bailable case.
9	(2) If an order revoking bail is not entered pursuant to Subsubparagraph
10	(G)(2)(b) of this Article, the state may invoke the supervisory jurisdiction of the
11	court of appeal on a claim that the trial court has improperly refused to revoke bail
12	in accordance with Subsubparagraph (G)(2)(b) of this Article.
13	Art. 313. Gwen's Law; bail hearings; detention without bail
14	* * *
15	E. A contradictory bail hearing, as provided by this Paragraph, may be held
16	prior to setting bail for a person in custody for a crime of violence enumerated or
17	defined in R.S. 14:2(B) who is currently released pursuant to a bail undertaking for
18	a felony crime of violence enumerated or defined in R.S. 14:2(B). The court, after
19	having been given notice by a law enforcement agency of the previously posted bail
20	undertaking, may order a contradictory hearing to be held within five days of
21	receiving notice, exclusive of weekends and legal holidays. If the court decides not
22	to hold a contradictory hearing, it shall notify the prosecuting attorney prior to
23	setting bail.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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