

2023 Regular Session

HOUSE BILL NO. 498

BY REPRESENTATIVE STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BAIL: Provides relative to a mandatory minimum bail amount for certain offenses

1 AN ACT

2 To enact Code of Criminal Procedure Article 315.1, relative to bail; to provide for a
3 mandatory minimum bail amount for certain crimes; to provide relative to factors in
4 fixing the amount of bail; to provide relative to written facts and findings by a judge;
5 to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 315.1 is hereby enacted to read as
8 follows:

9 §315.1. Mandatory minimum bail for crimes of violence

10 A. Notwithstanding any provision of law to the contrary, the court shall set
11 an initial bail in the following amounts, unless there is evidence that the mandatory
12 minimum bail amount violates the factors in Article 316:

13 (1) An amount no less than fifty thousand dollars for a crime of violence as
14 defined by R.S. 14:2(B).

15 (2) An amount no less than one hundred thousand dollars for a crime of
16 violence as defined by R.S. 14:2(B) and the defendant used a firearm during the
17 commission of the crime of violence.

18 B. The judge shall provide written findings of fact and conclusions of law
19 for setting bail in an amount less than the amount provided in Paragraph A of this
20 Article.

- 1 C. The provisions of this Article shall not apply to any defendant charged
 2 with a crime of violence as defined by R.S. 14:2(B) for which the crime provides that
 3 a defendant shall not be admitted to bail.

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 498 Engrossed

2023 Regular Session

Stefanski

Abstract: Establishes a mandatory minimum bail amount for certain offenses and requires a judge to provide written findings of fact and conclusions of law for setting bail in a less amount.

Proposed law requires the court to set an initial bail in the following amounts, unless there is evidence that the mandatory minimum bail amount violates present law (C.Cr.P. Art. 316, relative to factors in fixing bail):

- (1) An amount no less than \$50,000 for a crime of violence.
- (2) An amount no less than \$100,000 for a crime of violence and the defendant used a firearm during the commission of the crime of violence.

Proposed law further requires the judge to provide written findings of fact and conclusions of law for setting bail in an amount less than the amount provided in proposed law.

Proposed law does not apply to any defendant charged with a crime of violence for which the crime provides that a defendant shall not be admitted to bail.

(Adds C.Cr.P. Art. 315.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law that the defendant proves by clear and convincing evidence that the mandatory minimum bail amount violates factors in present law (C.Cr.P. Art. 316).
2. Require the court to set an initial bail in certain amounts, unless there is evidence that the mandatory minimum bail amount violates factors in present law.
3. Reduce the proposed law mandatory minimum bail amounts to the following:
 - (a) \$50,000 rather than \$100,000 for a crime a violence.
 - (b) \$100,00 rather than \$500,000 for a crime of violence and the defendant used (rather than possessed) a firearm during the commission of the crime.