
DIGEST

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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.