

HOUSE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 99 by Representative Bacala

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" and before the comma "," change "enact Code of Criminal
3 Procedure Article 313(E)" to "amend and reenact Code of Criminal Procedure Article
4 313(C)(1), (2), and (5)"

5 AMENDMENT NO. 2

6 On page 1, line 8, after "Article" and before "to" change "313(E) is hereby enacted" to
7 "313(C)(1), (2), and (5) are hereby amended and reenacted"

8 AMENDMENT NO. 3

9 On page 1, delete lines 12 through 20 in their entirety and delete page 2 in its entirety and
10 insert the following:

11 "C.(1)(a) When a person is arrested for a sex offense or a felony crime of
12 violence, no bail shall be set until a magistrate has made a determination as to
13 whether the contradictory bail hearing requirements of this Paragraph apply. Any
14 magistrate with the authority to fix bail as provided in Article 314 may request that
15 the law enforcement agency having custody of the defendant provide the magistrate
16 with the criminal history of the defendant in order to determine whether the
17 requirements of this Paragraph apply.

18 (b) A contradictory bail hearing, as provided for in this Paragraph, shall be
19 held prior to setting bail for a person in custody who is charged with the commission
20 of a sex offense and who has been previously convicted of a sex offense. meets any
21 of the following criteria:

22 (i) The person is charged with the commission of a sex offense or felony
23 crime of violence and has been previously convicted of a sex offense or felony crime
24 of violence.

25 (ii) The person is charged with the commission of a sex offense or felony
26 crime of violence and is currently released pursuant to a bail undertaking posted
27 pursuant to Article 312 for a sex offense or felony crime of violence.

28 (2) The court, after ~~having been given notice of an applicable prior~~
29 ~~conviction as described in Subparagraph (5) determining that the provisions of this~~
30 ~~Paragraph apply, shall order a contradictory hearing to be held within five days or~~
31 ~~as soon as practical under the circumstance after the receiving notice of the prior~~
32 ~~conviction determination, exclusive of weekends and legal holidays.~~

33 * * *
34 (5) For purposes of this Paragraph, "sex offense" means any offense as
35 defined as a sex offense in R.S. 15:541 when the victim is under the age of thirteen
36 at the time of commission of the offense and less than ten years have elapsed
37 between the date of the commission of the current offense and the expiration of the
38 maximum sentence of the previous conviction. "Felony crime of violence" shall
39 mean any crime of violence enumerated or defined in R.S. 14:2(B) which is a felony.
40 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.