

2024 Regular Session

HOUSE RESOLUTION NO. 243

BY REPRESENTATIVE WYBLE

BAIL: Directs the La. State Law Institute to study provisions relative to physical or sexual abuse of a minor and consider requiring a seventy-two hour hold for offenders

1 A RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to conduct a study of the
3 applicable provisions relative to physical or sexual abuse of a minor and the
4 feasibility of the pretrial detention of these offenders for a minimum of seventy-two
5 hours.

6 WHEREAS, a core tenant of both the United States and Louisiana criminal justice
7 systems is that an individual is presumed innocent until proven guilty; and

8 WHEREAS, the United States Supreme Court held in *United States v. Salerno*, 481
9 U.S. 739, 107 S. Ct. 2095, 95 L. Ed. 2d 697 (1987) that "In our society liberty is the norm,
10 and detention prior to trial or without trial is the carefully limited exception. We hold that
11 the provisions for pretrial detention in the Bail Reform Act of 1984 fall within that carefully
12 limited exception. The Act authorizes the detention prior to trial of arrestees charged with
13 serious felonies who are found after an adversary hearing to pose a threat to the safety of
14 individuals or to the community which no condition of release can dispel. The numerous
15 procedural safeguards detailed above must attend this adversary hearing. We are unwilling
16 to say that this congressional determination, based as it is upon that primary concern of every
17 government—a concern for the safety and indeed the lives of its citizens—on its face
18 violates either the Due Process Clause of the Fifth Amendment or the Excessive Bail Clause
19 of the Eighth Amendment"; and

1 WHEREAS, pursuant to Chapter 3-B of Title 15 of the Louisiana Revised Statutes
2 of 1950, a person who commits a sex offense against a minor is required to register as a sex
3 offender; and

4 WHEREAS, beginning on July 1, 2024, and pursuant to Chapter 3-G of Title 15 of
5 the Louisiana Revised Statutes of 1950, a person who commits certain offenses against a
6 minor may have to register as a child abuser; and

7 WHEREAS, the state of Louisiana has a sufficiently compelling governmental
8 interest in providing a determinate amount of time for the pretrial detention of individuals
9 accused of physically or sexually abusing a minor while both protecting the victim and the
10 constitutional rights of the accused.

11 THEREFORE, BE IT RESOLVED that the House of Representatives of the
12 Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute
13 to conduct a study of the applicable provisions relative to physical or sexual abuse of a minor
14 and the feasibility of the pretrial detention of these offenders for a minimum of seventy-two
15 hours.

16 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
17 director of the Louisiana State Law Institute.

18 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
19 one print copy and one electronic copy of any report produced pursuant to this Resolution
20 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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)]

HR 243 Original

2024 Regular Session

Wyble

Directs the La. State Law Institute to conduct a study of the applicable provisions relative to physical or sexual abuse of a minor and the feasibility of the pretrial detention of these offenders for a minimum of 72 hours.