

Regular Session, 1999

HOUSE BILL NO. 1037

BY REPRESENTATIVE STELLY

CRIMINAL/PROCEDURE: Requires notification of certain judges upon the consideration of bail reduction

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 342, relative to  
3 reduction of bail; to provide for certain notification by a judge  
4 considering the reduction of bail; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 342 is hereby amended  
7 and reenacted to read as follows:

8 Art. 342. Increase or reduction of bail; sufficiency of security

9 The court having trial jurisdiction over the offense charged, on  
10 its own motion or on motion of the state or defendant, for good cause  
11 may either increase or reduce the amount of bail, or require new or  
12 additional security. Prior to a reduction of the amount of bail, the judge  
13 considering such a reduction shall notify the judge who initially set the  
14 bail amount or the chief judge of the district court if the judge who  
15 initially set the bail is unavailable. The judge considering reduction of  
16 bail shall take into account any comments or suggestions by these other  
17 judges in setting the reduced amount of bail. For purposes of this

1 Article, good cause for increase of bail specifically includes but is not  
2 limited to the rearrest of the defendant on offenses alleged to have been  
3 committed while out on bond. However, in any parish with a  
4 population in excess of four hundred ninety thousand, the district court  
5 shall hold a contradictory hearing prior to a modification of the bail  
6 order. The modification of any bail order wherein a bail bond has been  
7 posted by a criminal defendant and his sureties shall upon said  
8 modification terminate the liability of the defendant and his sureties  
9 under the previously existing bail contract. A new bail must be posted  
10 in the amount of the new bail order.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Stelly

HB No. 1037

Present law allows the court with trial jurisdiction, on its own motion or on motion of the state or defendant, and upon the showing of good cause, to either increase or reduce the amount of bail.

Proposed law retains this provision of present law, but provides that in cases where the court is considering reduction of the amount of bail, the judge who initially set the bail amount or the chief judge of the court, if the judge who initially set the bail is unavailable, shall be notified of the proposed reduction in bail. Provides that comments and suggestions of these judges shall be taken into account by the trial judge in setting the reduced amount of bail.

(Amends C.Cr.P. Art. 342)