Regular Session, 2013

HOUSE BILL NO. 297

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BY REPRESENTATIVES JOHNSON AND WESLEY BISHOP

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

AN ACT

2	To amend and reenact Code of Criminal Procedure Article 334.4 and to enact Code of
3	Criminal Procedure Article 334.6, relative to the prohibition on release on own
4	recognizance for certain offenses; to provide for a rebuttable presumption relative
5	to the release of a defendant on his own recognizance under certain circumstances;
6	to provide for a contradictory hearing; to provide for nonprofit organizations
7	performing or providing pretrial services; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. Code of Criminal Procedure Article 334.4 is hereby amended and
10	reenacted and Code of Criminal Procedure Article 334.6 is hereby enacted to read as
11	follows:
12	Art. 334.4. Arrest for certain crimes; release on own recognizance prohibited
13	A. Notwithstanding any other provision of law to the contrary, any defendant
14	who has been arrested for any of the following crimes shall not be released by the
15	court on the defendant's own recognizance or on the signature of any other person:
16	(1) R.S. 14:32.1 (vehicular homicide).
17	(2) R.S. 14:40.3 (cyberstalking), if the person has two prior convictions for
18	the same offense.
19	(3) R.S. 14:44.2 (aggravated kidnapping of a child).

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1	(4) R.S. 14:79 (violation of protective orders), if the person has a prior
2	conviction for the same offense.
3	(5) R.S. 14:87.1 (killing a child during delivery).
4	(6) R.S. 14:87.2 (human experimentation).
5	(7) R.S. 14:93.3 (cruelty to the infirmed), if the person has a prior conviction
6	for the same offense.
7	(8) R.S. 14:98 (operating a vehicle while intoxicated), if the person has a
8	prior conviction for the same offense.
9	(9) R.S. 14:102.1(B) (aggravated cruelty to animals).
10	(10) R.S. 14:102.8 (injuring or killing of a police animal).
11	(11) The production, manufacturing, distribution, or dispensing or the
12	possession with the intent to produce, manufacture, distribute or dispense a
13	controlled dangerous substance in violation of R.S. 40:966(B), 967(B), 968(B),
14	969(B), or 970(B) of the Uniform Controlled Dangerous Substances Law.
15	B. There shall be a rebuttable presumption that any defendant who has
16	previously been released on his own recognizance or on the signature of any other
17	person on a felony charge, and who has either been arrested for a new felony offense
18	or has at any time failed to appear in court on a felony offense after having been
19	notified in open court, shall not be released on his own recognizance or on the
20	signature of any other person. This presumption may be overcome if the judge
21	determines, after contradictory hearing in open court, that a review of the relevant
22	factors warrants this type of release. The hearing shall take place within thirty days
23	of the defendant's release.
24	* * *
25	Art. 334.6. Nonprofit organization performing or providing pretrial services
26	Any nonprofit organization which is contracted, employed, or which receives
27	public funds to perform or provide pretrial services, such as screening of any

1	defendant, shall verify all background information provided by a defendant or
2	otherwise obtained by the organization regarding the defendant.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____