

## HOUSE SUMMARY OF SENATE AMENDMENTS

### Digest of Bill as Finally Passed by the Senate

Bruneau

HB No. 667

Present constitution provides that before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgment, a person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years, and that no excessive bail shall be required.

Proposed constitutional amendment retains the present constitution generally but further provides that a person who is charged with a crime of violence as defined by law or with production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance as defined by the Louisiana Controlled Dangerous Substances Law shall not be bailable if after a contradictory hearing a judge or magistrate determines by clear and convincing evidence that there is a substantial risk that the person may flee or poses an imminent danger to another person or the community.

Provides for submission of the proposed amendment to the voters at the congressional primary election to be held in 1998.

(Amends Const. Art. I, §18)

### Summary of Amendments Adopted by Senate

1. Adds language restricting the denial of bail based on dangerousness to persons charged with a crime of violence or with production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance as defined by the Louisiana Controlled Dangerous Substances law, and the proof is evident and the presumption of guilt is great, and requiring the judge or magistrate to find by "clear and convincing evidence" there is a substantial risk that the person may flee or poses an imminent danger to others.