

2017 Regular Session

HOUSE BILL NO. 81

BY REPRESENTATIVE JORDAN

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

BAIL: Provides for presumptive pretrial release of a defendant on an unsecured personal surety or bail without surety except under certain circumstances

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 316 and 321(B), relative to bail;
3 to provide for presumptive pretrial release of a defendant on an unsecured personal
4 surety or bail without surety; to provide factors for the court to consider in
5 determining whether to release the defendant in this manner; to provide for certain
6 requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 316 and 321(B) are hereby amended
9 and reenacted to read as follows:

10 Art. 316. ~~Factors~~ Presumption of unsecured release; factors in fixing amount of bail

11 A. Except as provided in Articles 312(B) and 321, a magistrate shall order
12 the pretrial release of a defendant on an unsecured personal surety or bail without
13 surety unless, after consideration of the factors set forth in Paragraph B of this
14 Article, the magistrate determines that the release would not reasonably ensure the
15 appearance of the defendant, the release would not reasonably ensure that the
16 defendant would refrain from any new criminal conduct, and the release would not
17 reasonably ensure the safety of any other person and the community. If the
18 defendant is released on an unsecured personal surety or bail without surety, the
19 magistrate shall expressly state in the bail order that the defendant was released
20 under these terms.

