
SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 1142 by Representative Burrell

1 AMENDMENT NO. 1

2 On page 1, line 3, after "Article 335.1(A)(1)" insert "and to enact Code of Criminal
3 Procedure Article 330.3"

4 AMENDMENT NO. 2

5 On page 1, line 7, after "Registry;" insert "to provide relative to contradictory bail hearings
6 for persons charged with certain felony offenses;"

7 AMENDMENT NO. 3

8 On page 1, line 11, after "reenacted" insert "and Code of Criminal Procedure Article 330.3
9 is hereby enacted"

10 AMENDMENT NO. 4

11 On page 1, between lines 11 and 12, insert the following:

12 "Art. 330.3. Bail hearing for felony offenses against a family or household member
13 or dating partner; detention

14 A. This Section may be cited as and referred to as "Gwen's Law".

15 B. A contradictory bail hearing, as provided for in this Article, shall be held
16 prior to setting bail for a person in custody who is charged with a felony offense
17 against the defendant's family or household member, as defined in R.S. 46:2132(4),
18 or against the defendant's dating partner, as defined in R.S. 46:2151.

19 C. The court shall order a contradictory hearing to be held within five days,
20 exclusive of weekends and legal holidays.

21 D. At the contradictory hearing the court, in addition to hearing whatever
22 evidence it finds relevant, shall, with the consent of the prosecuting attorney,
23 perform an ex parte examination of the evidence against the accused.

24 E.. In addition to the factors listed in Code of Criminal Procedure Article 334,
25 the court shall take into consideration the previous criminal record of the defendant
26 and any potential threat or danger the defendant poses to the victim, the family of the
27 victim, or to any member of the public, especially children. The court also shall
28 perform a risk assessment that will give ample consideration to risk factors including
29 substance abuse, gun ownership, record of violence, employment status, prior threats
30 with dangerous weapon, threats to kill, forced sex, choking, control of daily
31 activities, threats of suicide, threats to harm children, and any other relevant factors.

32 F. Following the contradictory hearing, upon proof by clear and convincing
33 evidence either that the defendant might flee, or that the defendant poses a threat or
34 danger to the victim, or that the defendant poses an imminent danger to any other
35 person or the community, the judge or magistrate may order the defendant held
36 without bail pending trial.

37 G. If bail is granted following the contradictory hearing, as a condition of
38 bail the court may require a defendant to wear an electronic monitoring device and
39 to be placed under active electronic monitoring. The conditions of the electronic
40 monitoring shall be determined by the court and may include, but not be limited to,
41 limitation of the defendant's activities outside the home and a curfew. The defendant
42 may be required to pay a reasonable supervision fee to the supervising agency to
43 defray the cost of the required electronic monitoring. A violation of the conditions
44 of bail may be punishable by the forfeiture of bail and the issuance of a bench
45 warrant for the defendant's arrest or remanding of the defendant to custody or a
46 modification of the terms of bail.

1 * * *

2 AMENDMENT NO. 5

3 On page 2, line 9, after "filing," delete "on the day that" and insert "on the next business day
4 after"