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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

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SB 79 Engrossed

DIGEST  
2024 Regular Session

Morris

Present constitution provides for mandatory granting of bail when the maximum sentence a defendant faces is less than five years but gives the judge discretion to grant bail when the maximum sentence which may be imposed is greater than five years.

Proposed constitutional amendment removes provisions for mandatory bail after a defendant has been convicted but has not yet been sentenced. Provides for granting of bail as provided by law.

Present constitution prohibits a person from being bailable when 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 defined in the La. Controlled Dangerous Substances Law and when proof is evident and the presumption of guilt is great if, after a contradictory hearing, the judge or magistrate finds by clear and convincing evidence that there is a substantial risk that the person may flee or poses an imminent danger to any other person or the community.

Proposed constitutional amendment provides that a person 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 defined in the La. Controlled Dangerous Substances Law may be bailable as provided by law.

Specifies submission of the amendment to the voters at the statewide election to be held on November 5, 2024.

(Amends Const. Art. I, §18)