

2026 Regular Session

SENATE BILL NO. 94

BY SENATOR WHEAT

CRIMINAL PROCEDURE. Provides for bail conditions for defendants charged with certain domestic offenses. (8/1/26)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 320(G), relative to conditions of bail
3 undertaking; to provide for conditions for setting bail; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Art. 320(G) is hereby amended and reenacted
7 to read as follows:

8 Art. 320. Conditions of bail undertaking

9 * * *

10 G. Domestic offenses, stalking, ~~and~~ sex offenses, **and human trafficking.**

11 (1) In determining **the** conditions of release of a defendant ~~who~~, **the court**
12 **shall consider the previous criminal history of the defendant and whether the**
13 **defendant poses a threat or danger to the victim when the defendant** is alleged
14 to have committed **any of the following offenses:**

15 **(a) an An** offense against the defendant's family or household member, as
16 defined in R.S. 46:2132, or against the defendant's dating partner, as defined in R.S.
17 46:2151, ~~or who is alleged to have committed the offense of.~~

1 ~~(b) domestic~~ **Domestic** abuse battery under the provisions of R.S. 14:35.3;
2 ~~or who is alleged to have committed the offense of,~~

3 ~~(c) battery~~ **Battery** of a dating partner under the provisions of R.S. 14:34.9;
4 ~~or who is alleged to have committed the offense of,~~

5 ~~(d) stalking~~ **Stalking** under the provisions of R.S. 14:40.2,~~or who is alleged~~
6 ~~to have committed the offense of,~~

7 ~~(e) cyberstalking~~ **Cyberstalking** under the provisions of R.S. 14:40.3,~~or who~~
8 ~~is alleged to have committed the offense of,~~

9 ~~(f) violation~~ **Violation** of protective orders under the provisions of R.S.
10 ~~14:79, or who is alleged to have committed the offense of,~~

11 ~~(g) unlawful~~ **Unlawful** communications under the provisions of R.S. 14:285;
12 ~~or who is alleged to have committed a,~~

13 ~~(h) sexual~~ **Sexual** assault as defined in R.S. 46:2184,~~the court shall consider~~
14 ~~the previous criminal history of the defendant and whether the defendant poses a~~
15 ~~threat or danger to the victim.~~

16 **(i) Human trafficking under the provisions of R.S. 14:46.2.**

17 **(j) Trafficking of children for sexual purposes under R.S. 14:46.3.**

18 ~~(2)~~ If the court determines that the defendant poses such a threat or danger,
19 it shall require as a condition of bail that the defendant refrain from going to the
20 residence or household of the victim, the victim's school, and the victim's place of
21 employment or otherwise contacting the victim in any manner whatsoever, and shall
22 refrain from having any further contact with the victim.

23 ~~(3)~~ The court shall also require as a condition of bail that the defendant be
24 prohibited from communicating, by electronic communication, in writing, or orally,
25 with a victim of the offense or with any of the victim's immediate family members.
26 This condition shall not apply if the victim consents by way of a request to the court
27 and the court issues an order permitting the communication. If an immediate family
28 member of the victim consents by way of a request to the court and the court issues
29 an order permitting the communication, then the defendant may contact that person.

1 **(4)(a) If the defendant is alleged to have committed the offense of human**
2 **trafficking under the provisions of R.S. 14:46.2 or trafficking of children for**
3 **sexual purposes under R.S. 14:46.3, the court shall require as a condition of bail**
4 **that the defendant refrain from engaging in employment that involves any of**
5 **the following:**

6 **(i) A transportation network company driver as provided in Part C of**
7 **Chapter 4 of Title 45 of the Louisiana Revised Statutes of 1950.**

8 **(ii) Operation of any bus, taxicab, or limousine for hire as defined in R.S.**
9 **15:553.**

10 **(iii) A service worker who goes into a residence to provide any type of**
11 **service.**

12 **(iv) Operation of any carnival or amusement ride as defined in R.S.**
13 **15:553.**

14 **(v) A door-to-door solicitor, peddler, or itinerant vendor selling any type**
15 **of goods or services including magazines or periodicals or subscriptions to**
16 **magazines or periodicals.**

17 **(vi) Supervisory or disciplinary authority over children.**

18 **(vii) Operation or participation in the governance of any early learning**
19 **center as defined by R.S. 17:407.33, residential home as defined by R.S. 46:1403,**
20 **or residence in which child care services are provided by a family child care**
21 **provider or in-home provider who is registered pursuant to R.S. 17:407.61 et**
22 **seq.**

23 **(b) In determining the conditions of release and employment restrictions**
24 **of the defendant pursuant to Subsubparagraph (a) of this Subparagraph, the**
25 **court shall consider the previous criminal history of the defendant and whether**
26 **the defendant poses a threat or danger to the public.**

27 **(5)** The court shall also consider any statistical evidence prepared by the
28 United States Department of Justice relative to the likelihood of such defendant or
29 any person in general who has raped or molested victims under the age of thirteen

1 years to commit sexual offenses against a victim under the age of thirteen in the
2 future.

3 ~~(2)~~**(6)** If the defendant is alleged to have committed any of the offenses
4 included in Subparagraph (1) of this Paragraph and is denied bail or is unable to post
5 bail and is therefore incarcerated prior to trial, the court may issue an order under
6 this Paragraph prohibiting the defendant from communicating, by electronic
7 communication, in writing, or orally, with a victim of the offense, or with any of the
8 victim's immediate family members. This condition shall not apply if the victim
9 consents by way of a request to the court and the court issues an order permitting the
10 communication. If an immediate family member of the victim consents by way of
11 a request to the court and the court issues an order permitting the communication,
12 then the defendant may contact that person.

13 ~~(3)~~**(7)** In all cases, the court shall issue and shall file into the record any order
14 issued pursuant to this Paragraph and shall serve the defendant with the order by
15 personal service. The court shall also comply with the provisions of Paragraph H of
16 this Article.

17 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 94 Original

2026 Regular Session

Wheat

Present law requires that in determining a defendant's bail, the court consider the defendant's previous criminal history and whether the defendant poses a threat or danger to the victim if the offense is committed under the following:

- (1) Against the defendant's family or household member.
- (2) Against the defendant's dating partner.
- (3) Against one who is alleged to have committed the offense of domestic abuse battery.
- (4) Against one who is alleged to have committed the offense of battery of a dating partner.
- (5) Against one who is alleged to have committed the offense of stalking.

- (6) Against one who is alleged to have committed the offense of cyberstalking.
- (7) Against one who is alleged to have committed the offense of violation of protective orders.
- (8) Against one who is alleged to have committed the offense of unlawful communications.
- (9) Against one who is alleged to have committed a sexual assault.

Present law authorizes the court to require as a condition of bail that the defendant refrain from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner whatsoever, and to refrain from having any further contact with the victim.

Present law further authorizes the court to require as a condition of bail that the defendant be prohibited from communicating, by electronic communication, in writing, or orally, with a victim of the offense or with any of the victim's immediate family members. Authorizes certain communications if the victim or an immediate family member consents by way of a request to the court and the court issues an order permitting the communication. If an immediate family member of the victim consents by way of a request to the court and the court issues an order permitting the communication, then the defendant may contact that person.

Proposed law adds provisions for determining bail for offenses alleged to include human trafficking and trafficking of children for sexual purposes.

Proposed law provides that if the defendant is alleged to have committed the offense of human trafficking or trafficking of children for sexual purposes, the court, after considering previous criminal history and whether the defendant poses a threat or danger to the public, may prohibit the defendant from engaging in employment that involves any of the following:

- (1) A transportation network company driver.
- (2) Operation of any bus, taxicab, or limousine for hire.
- (3) A service worker who goes into a residence to provide any type of service.
- (4) Operation of any carnival or amusement ride.
- (5) A door-to-door solicitor, peddler, or itinerant vendor selling any type of goods or services including magazines or periodicals or subscriptions to magazines or periodicals.
- (6) Supervisory or disciplinary authority over children.
- (7) Operation or participation in the governance of any early learning center, residential home, or residence in which child care services are provided by a family child care provider or in-home provider.

Effective August 1, 2026.

(Amends C.Cr.P Art. 320(G))