

2026 Regular Session

HOUSE BILL NO. 374

BY REPRESENTATIVE WYBLE

CRIMINAL/PROCEDURE: Provides relative to bail hearings and conditions for certain persons

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 313(C)(1) and (2) and to enact
3 Code of Criminal Procedure Articles 230.1(E), 313(E), and 320(G)(4) and (J)(4),
4 relative to bail; to provide for notification after arrests for certain felony offenses; to
5 provide for contradictory bail hearings; to provide for bail conditions; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 313(C)(1) and (2) are hereby
9 amended and reenacted and Code of Criminal Procedure Articles 230.1(E), 313(E), and
10 320(G)(4) and (J)(4) are hereby enacted to read as follows:

11 Art. 230.1. Maximum time for appearance before judge for the purpose of
12 appointment of counsel; court discretion to fix bail at the appearance;
13 extension of time limit for cause; effect of failure of appearance

14 * * *

15 E. The arresting law enforcement agency shall notify the prosecuting
16 authority with jurisdiction over the arrested person within twenty-four hours of the
17 arrest when the person is arrested for any of the following that directly involves a
18 victim who is under the age of eighteen:

19 (1) A crime of violence as defined in R.S. 14:2(B) that is a felony.

20 (2) A sex offense as defined in R.S. 15:541.

21 * * *

1 Art. 313. Gwen's Law; bail hearings; detention without bail

2 * * *

3 C.(1) A contradictory bail hearing, as provided ~~for~~ in this Paragraph, shall
4 be held prior to setting bail for a person in custody who is charged with the
5 commission of a sex offense and who has been previously convicted of a sex offense.
6 No bail shall be set until the court has received and reviewed the criminal history
7 record information, as defined in R.S. 15:541, of the defendant and rendered a
8 determination as to whether the defendant has an applicable prior conviction as
9 described in Subparagraph (5) of this Paragraph.

10 (2) The court, after having been given notice of an applicable prior
11 conviction ~~as described in Subparagraph (5) of this Paragraph~~, shall order a
12 contradictory hearing to be held within five days of receiving notice of the prior
13 conviction, exclusive of weekends and legal holidays.

14 * * *

15 E.(1) A contradictory bail hearing, as provided in this Paragraph, shall be
16 held prior to setting bail for a person in custody who is charged with the commission
17 of any of the following that directly involves a victim who is under the age of
18 eighteen:

- 19 (a) A crime of violence as defined in R.S. 14:2(B) that is a felony.
- 20 (b) A sex offense as defined in R.S. 15:541.

21 (2) The court, upon request of the prosecuting authority that is made within
22 seventy-two hours of arrest, shall order a contradictory hearing to be held within
23 seventy-two hours of receipt of such request unless continued for good cause shown,
24 exclusive of weekends and legal holidays. The defendant shall be temporarily
25 detained pending the contradictory hearing.

26 (3) The provisions of this Paragraph do not apply if the prosecuting authority
27 waives the contradictory hearing.

28 * * *

1 Art. 320. Conditions of bail undertaking

2 * * *

3 G.

4 * * *

5 (4) When the defendant is alleged to have committed an offense that is a sex
6 offense as defined in R.S. 15:541 against a victim who is under the age of eighteen,
7 the defendant shall not be released on bail until a Uniform Abuse Prevention Order
8 has been issued, filed into the record, and served upon the defendant, unless the court
9 conducts a hearing and makes a finding on the record that such an order is not
10 necessary.

11 * * *

12 J.

13 * * *

14 (4) When the defendant is alleged to have committed a felony offense that
15 is a crime of violence as defined in R.S. 14:2(B) against a victim who is under the
16 age of eighteen, the defendant shall not be released on bail until a Uniform Abuse
17 Prevention Order has been issued, filed into the record, and served upon the
18 defendant, unless the court conducts a hearing and makes a finding on the record that
19 such an order is not necessary.

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 374 Original

2026 Regular Session

Wyble

Abstract: Provides relative to bail hearings and conditions for persons arrested for certain felonies.

Present law (C.Cr.P. Art. 230.1) provides for the maximum amount of time for a defendant to appear before a judge for the purpose of appointment of counsel, the discretion of the court to fix bail at this appearance, the extension of time limits for cause, and the effect of a failure to appear.

Proposed law retains present law.

Proposed law requires the arresting law enforcement agency to notify the prosecuting authority with jurisdiction over the arrested person within 24 hours of the arrest when the person is arrested for a felony crime of violence or a sex offense that directly involves a victim who is under the age of 18.

Present law (C.Cr.P. Art. 313) provides for contradictory bail hearings and detention without bail.

Proposed law retains present law.

Present law requires that a contradictory bail hearing be held prior to setting bail for a person in custody who is charged with the commission of a sex offense and who has been previously convicted of a sex offense.

Proposed law retains present law and prohibits the setting of bail until the court has received and reviewed the criminal history record information, as defined in present law (R.S. 15:541), of the defendant and rendered a determination as to whether the defendant has an applicable prior conviction as described in present law.

Proposed law requires a contradictory bail hearing be held prior to setting bail for a person in custody who is charged with the commission of a felony crime of violence or a sex offense that directly involves a victim who is under the age of 18.

Proposed law requires the court, upon request of the prosecuting authority that is made within 72 hours of arrest, to order a contradictory hearing to be held within 72 hours of receipt of such request unless continued for good cause shown, exclusive of weekends and legal holidays. Further requires the defendant to be temporarily detained pending the contradictory hearing.

Proposed law does not apply if the prosecuting authority waives the contradictory hearing.

Present law (C.Cr.P. Art. 320) provides for conditions of bail undertaking.

Proposed law retains present law.

Present law provides for bail conditions regarding sex offenses and crimes of violence.

Proposed law retains present law.

Proposed law provides that a defendant who is alleged to have committed an offense that is a felony crime of violence or a sex offense against a victim who is under the age of 18 shall not be released on bail until a Uniform Abuse Prevention Order has been issued, filed into the record, and served upon the defendant, unless the court conducts a hearing and makes a finding on the record that such an order is not necessary.

(Amends C.Cr.P. Art. 313(C)(1) and (2); Adds C.Cr.P. Arts. 230.1(E), 313(E), and 320(G)(4) and (J)(4))