
DIGEST

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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))