

2026 Regular Session

HOUSE BILL NO. 811

BY REPRESENTATIVE TAYLOR

DOMESTIC ABUSE: Provides relative to arrest records in domestic abuse matters

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 316(4) through (10) and to enact
3 Code of Criminal Procedure Article 316(11), relative to factors in fixing amount of
4 bail; to allow for the consideration of domestic abuse arrest records that did not
5 result in convictions for the purpose of domestic abuse cases; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 316(4) through (10) are hereby
9 amended and reenacted and Code of Criminal Procedure Article 316(11) is hereby enacted
10 to read as follows:

11 Art. 316. Factors in fixing amount of bail

12 The amount of bail shall be fixed in an amount that will ensure the presence
13 of the defendant, as required, and the safety of any other person and the community,
14 having regard to:

15 * * *

16 (4) When the offense charged is domestic abuse battery, any arrest records
17 of the defendant from the previous five years which alleged domestic abuse battery
18 but did not result in a conviction.

19 ~~(4)~~ (5) The ability of the defendant to give bail.

1 ~~(5)~~ (6) The nature and seriousness of the danger to any other person or the
2 community that would be posed by the defendant's release.

3 ~~(6)~~ (7) The defendant's voluntary participation in a pretrial drug testing
4 program.

5 ~~(7)~~ (8) The absence or presence in the defendant of any controlled dangerous
6 substance.

7 ~~(8)~~ (9) Whether the defendant is currently out on a bail undertaking on a
8 previous felony arrest for which he is awaiting institution of prosecution,
9 arraignment, trial, or sentencing.

10 ~~(9)~~ (10) Any other circumstances affecting the probability of defendant's
11 appearance.

12 ~~(10)~~ (11) The type or form of bail.

DIGEST

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HB 811 Original

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Taylor

Abstract: Allows for the consideration of domestic abuse arrest records for the purposes of setting bail in a domestic abuse case when the domestic abuse arrests did not result in a conviction.

Present law provides for factors which shall be considered for the purposes of setting bail.

Present law lists one of those factors as "The previous criminal record of the defendant."

Proposed law adds the arrest records of the defendant which alleged domestic abuse battery within the previous five years but did not result in a conviction.

(Amends C.Cr.P. Art. 316(4)-(10); Adds C.Cr.P. Art. 316(11))