

2026 Regular Session

HOUSE BILL NO. 974

BY REPRESENTATIVE WILFORD CARTER

BAIL: Provides for the factors in fixing the amount of bail and modifications of bail

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 316(9) and (10) and 319(A) and
3 to enact Code of Criminal Procedure Article 316(11), relative to bail; to provide
4 relative to factors in fixing the amount of bail; to provide relative to fixing the
5 amount of bail; to provide for the consideration of the presumption of innocence; to
6 provide relative to modification of bail; to provide relative to motions filed to reduce
7 the amount of bail; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 316(9) and (10) and 319(A) are
10 hereby amended and reenacted and Code of Criminal Procedure Article 316(11) is hereby
11 enacted to read as follows:

12 Art. 316. Factors in fixing amount of bail

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

16 * * *

17 (9) The presumption of innocence until the defendant is proven guilty.

18 ~~(9)~~(10) Any other circumstances affecting the probability of the defendant's
19 appearance.

20 ~~(10)~~(11) The type or form of bail.

21 * * *

Proposed law retains present law and provides that when a motion to reduce the amount of bail is filed, the motion is required to be heard no later than 30 days after the motion is filed unless good cause is shown by the state or the court.

(Amends C.Cr.P. Arts. 316(9) and (10) and 319(A); Adds C.Cr.P. Art. 316(11))