
DIGEST

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HB 974 Original

2026 Regular Session

Wilford Carter

Abstract: Requires consideration be given to the presumption of innocence until the defendant is proven guilty when setting the amount of bail, and provides relative to the filing of motions to reduce the amount of bail.

Present law (C.Cr.P. Art. 316) requires bail to be fixed in an amount that will ensure the presence of the defendant, as required, and the safety of any other person and the community.

Present law lists factors to be considered in fixing the amount of bail, such as the seriousness of the offense charged, the weight of evidence, previous criminal record, ability to give bail, and other considerations.

Proposed law retains present law and requires consideration of the presumption of innocence until the defendant is proven guilty.

Present law (C.Cr.P. Art. 319) relative to modifications of bail, authorizes the court, on its own motion or on motion of either party, for good cause, to increase or reduce the amount of bail or to require new or additional security.

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))