

2026 Regular Session

HOUSE BILL NO. 58

BY REPRESENTATIVE VILLIO

BAIL: Restricts post-conviction bail for certain offenders

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 312(E) through (H) and to enact  
3 Code of Criminal Procedure Article 312(I), relative to bail; to prohibit bail after  
4 conviction for certain offenders; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 312(E) through (H) are hereby  
7 amended and reenacted and Code of Criminal Procedure Article 312(I) is hereby enacted to  
8 read as follows:

9 Art. 312. Right to bail before and after conviction

10 \* \* \*

11 E. ~~After~~ (1) Except as provided in Paragraph H of this Article, after  
12 conviction and before sentence, bail shall be allowed if the maximum sentence which  
13 may be imposed is imprisonment for five years or less. ~~Bail~~ Except as provided in  
14 Paragraph H of this Article, bail may be allowed pending sentence if the maximum  
15 sentence which may be imposed is imprisonment exceeding five years, except when  
16 the court has reason to believe, based on competent evidence, that the release of the  
17 person convicted will pose a danger to any other person or the community, or that  
18 there is a substantial risk that the person convicted might flee.

19 F. ~~After~~ Except as provided in Paragraph H of this Article, after sentence and  
20 until final judgment, bail shall be allowed if a sentence of five years or less is

1           actually imposed. ~~Bail~~ Except as provided in Paragraph H of this Article, bail may  
2           be allowed after sentence and until final judgment if the sentence actually imposed  
3           exceeds imprisonment for five years, except when the court has reason to believe,  
4           based on competent evidence, that the release of the person convicted will pose a  
5           danger to any other person or the community, or that there is a substantial risk that  
6           the person convicted might flee.

7                     ~~G.(1) After conviction of a capital offense, a defendant shall not be allowed~~  
8           ~~bail.~~

9                     ~~(2)(a) After conviction of any crime punishable by imprisonment for twenty-~~  
10           ~~five years or more that is both a sex offense as defined in R.S. 15:541 and a crime~~  
11           ~~of violence as defined in R.S. 14:2(B), there shall be a rebuttable presumption that~~  
12           ~~the release of the person convicted will pose a danger to another person or the~~  
13           ~~community and that there is a substantial risk that the person convicted might flee.~~

14                     ~~(b) For purposes of this Paragraph:~~

15                     ~~(i) "Crime of violence" means any offense defined or enumerated as a crime~~  
16           ~~of violence in R.S. 14:2(B).~~

17                     ~~(ii) "Sex offense" means any offense that requires registration and~~  
18           ~~notification pursuant to R.S. 15:540 et seq.~~

19                     H. After conviction, a defendant shall not be allowed bail for any of the  
20           following offenses:

21                     (1) A capital offense.

22                     (2) Any aggravated offense as defined in R.S. 15:541 that is committed  
23           against a victim who is a minor.

24                     H: I. A person held without bail or unable to post bail may invoke the  
25           supervisory jurisdiction of the court of appeal on a claim that the trial court has  
26           improperly refused bail or a reduction of bail in aailable case.

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**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)]

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HB 58 Engrossed

2026 Regular Session

Villio

**Abstract:** Prohibits post-conviction bail for offenders convicted of committing an aggravated offense against a victim who is a minor.

Present law provides for the right to bail before and after conviction.

Proposed law retains present law generally but provides that after conviction, a defendant shall not be allowed bail for any aggravated offense as defined in present law (R.S. 15:541) that is committed against a victim who is a minor.

(Amends C.Cr.P. Art. 312(E)-(H); Adds C.Cr.P. Art. 312(I))