

## DIGEST

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SB 93 Engrossed

2026 Regular Session

Mizell

Present law (C.Cr.P. Art. 312) provides for the right to bail before and after conviction.

Proposed law generally retains present law.

Present law requires that a person released on a previously posted bail undertaking for certain crimes of violence and certain controlled dangerous substance offenses not be readmitted to bail when the person previously failed to appear and a warrant for arrest was issued and not recalled or the previous bail undertaking has been revoked or forfeited.

Proposed law amends present law to provide that readmittance to bail does not apply to a person released on a previously posted bail undertaking for an offense involving the possession or use of a firearm or any sex offense.

Present law requires that a convicted person be remanded to jail to await sentence unless any of the following occur:

- (1) He is allowed to remain free on a bail undertaking posted prior to conviction by operation of present law (C.Cr.P. Art. 331(A)), and the bail previously fixed is in accordance with all applicable provisions of present law (C.Cr.P. Art. 312).
- (2) He is released by virtue of a bail undertaking posted after conviction, and the bail was fixed in accordance with present law (C.Cr.P. Art. 312).

Proposed law amends present law as follows:

- (1) Requires, in addition to the remanding of the convicted person to jail to await sentence, that the convicted person also be remanded to custody after sentencing.
- (2) Prohibits post conviction bail pursuant to present law (C.Cr.P. Art. 312) when there is proof of a substantial risk that the person may flee or poses an imminent danger to any other person or the community, including when the court finds the convicted person is likely to commit other crimes while on bail and is therefore a danger to the community.

Present law requires a rebuttable presumption that, after conviction of any crime punishable by imprisonment for 25 years or more that is both a sex offense and a crime of violence, the release of the convicted person will pose a danger to another person or the community and that there is a substantial risk that the person convicted might flee.

Proposed law amends present law to apply this rebuttable presumption to a person convicted of a crime punishable by imprisonment for 25 years or more that is either a sex offense or crime of violence, rather than both a sex offense and a crime of violence.

Proposed law applies as follows:

- (1) Based on the cumulative maximum sentences for all crimes for which a person was convicted, provided that any crime for which the person has been convicted is a sex offense or crime of violence.
- (2) To any person who has been charged as a habitual offender pursuant to present law (R.S. 15:529.1).

Proposed law (C.Cr.P. Art. 312.1) requires the revocation of bail for a defendant who is admitted to bail for any crime of violence, any sex offense, or any crime involving the possession or use of a firearm upon any subsequent arrest for a felony offense that is not a part of the same transaction, occurrence, or criminal episode which resulted in the arrest that is the basis for the defendant's current admittance to bail.

Proposed law provides for duties of the arresting agency and of the court.

Proposed law permits the state or the defendant to seek supervisory review of the granting or denial of any order that revokes the defendant's prior admittance to bail.

Proposed law defines the terms "crime of violence" and "sex offense".

Present law provides for schedules of bail. Further authorizes certain courts to fix bail amounts in certain cases.

Proposed law retains present law.

Proposed law requires each district court with criminal jurisdiction in the state of La. to set an initial bail amount for the following offenses:

- (1) Possession of child sexual abuse materials, a minimum bail amount of \$50,000.
- (2) Production of child sexual abuse materials, a minimum bail amount of \$100,000.

Proposed law prohibits the court from reducing the amount of a bail undertaking to an amount that is less than any minimum amount provided in law.

Present law (C.Cr.P. Art. 316) provides for factors in fixing the amount of bail.

Proposed law amends present law as follows:

- (1) Relative to the seriousness of the offense charged, adds consideration for sex offenses.
- (2) Adds factors pertaining to the possession or use of a firearm or other dangerous weapon during the commission of the offense, the existence of available resources to impose enforceable conditions to ensure the defendant's appearance and protect the community, and the defendant's likelihood to continue to commit crimes resulting in harm to any person or the property of another if he is released on bail.

Present law (C.Cr.P. Art. 318) provides for juveniles records in fixing bail.

Present law authorizes a court, for the purpose of fixing bail, to make a written request of any juvenile court for an abstract containing only the delinquent acts of a defendant currently before the requesting court.

Proposed law amends present law to authorize a written request for pending or adjudicated delinquent acts of a defendant and requires that the requested information be deposited by means of an email address provided in the written request addressed to the requesting court.

Present law prohibits the requesting court from copying, duplicating, or otherwise reproducing juvenile records. Further requires the juvenile records be deposited in the mail and addressed to the issuing juvenile court within 72 hours, exclusive of Saturdays, Sundays, and legal holidays, after bail is determined.

Proposed law removes these provisions of present law and requires the requesting court to issue a protective order concerning the use of the juvenile abstract for the purposes of protecting the confidentiality of the abstract from any individual who is not involved in the relevant proceedings that concern the defendant who is currently before the requesting court.

Present law (C.Cr.P. Art. 320) provides for conditions of bail undertaking.

Proposed law generally retains present law.

Present law provides for bail conditions regarding crimes of violence.

Proposed law amends present law to add, as a condition of bail for a crime of violence, that the defendant, if equipped with a global positioning monitoring system, comply with the appropriate geographic restrictions, monitoring conditions, and enforcement provisions of present law (R.S. 15:571.36, 571. 37, and 571.38).

(Amends C.Cr.P. Arts. 312(A), (B), (D)(intro. para.) and (1) and (2), and (G)(2)(a), 316(1), (9), and (10), 318, 319(A), and 320(J)(1); Adds C.Cr.P. Arts. 312(G)(2)(c) and (d), 312.1, 315(D), and 316(11)-(13))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill:

1. Provide that readmittance to bail does not apply to a person released on a previously posted bail undertaking for an offense involving the possession or use of a firearm or any sex offense.
2. Require that a convicted person, in addition to the present law requirement of being remanded to jail to await sentence, be remanded to custody after sentencing.
3. Prohibit post conviction bail when there is proof of a substantial risk that the person may flee or poses an imminent danger to any other person or the community, including when the court finds the convicted person is likely to commit other crimes while on bail and is therefore a danger to the community.
4. Provide that the rebuttable presumption that the release of a convicted person will pose a danger to another person or the community and that there is a substantial risk that the person convicted might flee is applicable as follows:
  - (a) To a person convicted of a crime punishable by imprisonment for 25 years or more that is either a sex offense or crime of violence, rather than both a sex offense and a crime of violence.
  - (b) Based on the cumulative maximum sentences for all crimes for which a person was convicted, provided that any crime for which the person has been convicted is a sex offense or crime of violence.
  - (c) To any person who has been charged as a habitual offender.
5. Require the revocation of bail for a defendant who is admitted to bail for any crime of violence, any sex offense, or any crime involving the possession or use of a firearm upon any subsequent arrest for a felony offense that is not a part of the same transaction, occurrence, or criminal episode which resulted in the arrest that is the basis for the defendant's current admittance to bail.
6. Provide for duties of the arresting agency and of the court relative to revocation of a defendant's bail pursuant to proposed law.
7. Authorize the state or the defendant to seek supervisory review of the granting or denial of any order that revokes the defendant's prior admittance to bail.
8. Define the terms "crime of violence" and "sex offense".
9. Within the factors in fixing bail:

- (a) Add consideration of sex offenses, relative to the seriousness of the offense charged.
  - (b) Add factors pertaining to the possession or use of a firearm or other dangerous weapon during the commission of the offense, the existence of available resources to impose enforceable conditions to ensure the defendant's appearance and protect the community, and the defendant's likelihood to continue to commit crimes resulting in harm to any person or the property of another if he is released on bail.
- 10. Authorize a written request for pending or adjudicated delinquent acts of a defendant and require the requested information be deposited by means of an email address provided in the written request addressed to the requesting court.
- 11. Remove provisions of present law relative to the reproduction of juvenile records as well as the 72-hour time period to deposit these records.
- 12. Require the requesting court to issue a protective order concerning the use of the juvenile abstract for confidentiality purposes.
- 13. Add, as a condition of bail for a crime of violence, that the defendant, if equipped with a global positioning monitoring system, comply with the appropriate geographic restrictions, monitoring conditions, and enforcement provisions of present law (R.S. 15:571.36, 571. 37, and 571.38).
- 14. Make technical changes.