

2026 Regular Session

HOUSE BILL NO. 276

BY REPRESENTATIVE CARPENTER

BAIL: Authorizes a court to conduct a contradictory bail hearing prior to setting bail for a person in custody who is charged with certain sexually based offenses against a child under the age of eighteen

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 313(A)(2), relative to bail; to  
3 provide relative to contradictory bail hearings; to provide for certain offenses that  
4 authorize the setting of a contradictory bail hearing; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 313(A)(2) is hereby amended and  
8 reenacted to read as follows:

9 Art. 313. Gwen's Law; bail hearings; detention without bail

10 A.

11 \* \* \*

12 (2)(a) A contradictory bail hearing, as provided for in this Paragraph, may  
13 be held prior to setting bail for a person in custody who is charged with any of the  
14 following offenses:

15 (i) First degree rape (R.S. 14:42), when committed against a child under the  
16 age of eighteen.

17 (ii) Second degree rape (R.S. 14:42.1), when committed against a child under  
18 the age of eighteen.

1            (iii) Third degree rape (R.S. 14:43), when committed against a child under  
2            the age of eighteen.

3            (iv) Sexual battery (R.S. 14:43.1), when committed against a child under the  
4            age of eighteen.

5            (v) Oral sexual battery (R.S. 14:43.3), when committed against a child under  
6            the age of eighteen.

7            (vi) Human trafficking (R.S. 14:46.2), when committed against a child under  
8            the age of eighteen.

9            (vii) Child sexual abuse materials (R.S. 14:81.1), when committed against  
10           a child under the age of eighteen.

11           (viii) Molestation of a juvenile or a person with a physical or mental  
12           disability (R.S. 14:81.2), when committed against a child under the age of eighteen.

13           (ix) Aggravated crime against nature (R.S. 14:89.1), when committed against  
14           a child under the age of eighteen.

15           (x) ~~domestic~~ Domestic abuse battery; (R.S. 14:35.3).

16           (xi) ~~violation~~ Violation of protective orders; (R.S. 14:79).

17           (xii) ~~stalking~~ Stalking; (R.S. 14:40.2).

18           (xiii) ~~or any~~ Any felony offense involving the use or threatened use of force  
19           or a deadly weapon upon any of the following:

20           (aa) ~~the~~ The defendant's family member, as defined in R.S. 46:2132 ~~or upon~~  
21           the.

22           (bb) The defendant's household member as defined in R.S. 14:35.3, ~~or upon~~  
23           the.

24           (cc) The defendant's dating partner, as defined in R.S. 46:2151.

25           (b) If the court orders a contradictory hearing, the hearing shall be held  
26           within five days from the date of determination of probable cause, exclusive of  
27           weekends and legal holidays. At the contradictory hearing, the court shall determine  
28           the conditions of bail or whether the defendant should be held without bail pending

1 trial. If the court decides not to hold a contradictory hearing, it shall notify the  
2 prosecuting attorney prior to setting bail.

3 \* \* \*

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)]

HB 276 Reengrossed                      2026 Regular Session                      Carpenter

**Abstract:** Authorizes a court to conduct a contradictory bail hearing prior to setting bail for a person in custody who is charged with certain sexually-based offenses against a child under the age of 18.

Present law authorizes a court to conduct a contradictory bail hearing prior to setting bail for a person in custody who is charged with certain offenses.

Proposed law retains present law and authorizes a court to conduct a contradictory bail hearing prior to setting bail for a person in custody who is charged with any of the following offenses when committed against a child under the age of 18 years:

- (1) First degree rape (R.S. 14:42).
- (2) Second degree rape (R.S. 14:42.1).
- (3) Third degree rape (R.S. 14:43).
- (4) Sexual battery (R.S. 14:43.1).
- (5) Oral sexual battery (R.S. 14:43.3).
- (6) Human trafficking (R.S. 14:46.2)
- (7) Child sexual abuse materials (R.S. 14:81.1).
- (8) Molestation of a juvenile or a person with a physical or mental disability (R.S. 14:81.2).
- (9) Aggravated crime against nature (R.S. 14:89.1).

Proposed law restructures present law.

(Amends C.Cr.P. Art. 313(A)(2))

Summary of Amendments Adopted by House

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

- 1. Change the minimum initial bail amount from \$50,000 to \$1 million.
- 2. Add human trafficking as an offense for which a minimum initial amount of bail is required.

The House Floor Amendments to the engrossed bill:

1. Remove proposed law that requires each district court with criminal jurisdiction in the state of La. to set an initial bail amount of not less than \$1,000,000 for an individual arrested for certain sexually-based offenses committed against a child under the age of 18 years.
2. Authorize a court to set a contradictory bail hearing prior to setting bail for a person in custody who is charged with certain sexually-based offenses committed against a child under the age of 18 years.
3. Restructure provisions of present law (C.Cr.P. Art. 313(A)(2)).
4. Make technical changes.