

2026 Regular Session

HOUSE BILL NO. 769

BY REPRESENTATIVE BOYD

DOMESTIC ABUSE: Provides relative to the removal authority process with respect to domestic offenders

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 313(A)(2), relative to arrests
3 made for domestic abuse; to provide for minimum holding periods; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

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

9 A.

10 * * *

11 (2)(a) A contradictory bail hearing, as provided for in this Paragraph, may
12 be held prior to setting bail for a person in custody who is charged with domestic
13 abuse battery, violation of protective orders, stalking, or any felony offense involving
14 the use or threatened use of force or a deadly weapon upon the defendant's family
15 member, as defined in R.S. 46:2132 or upon the defendant's household member as
16 defined in R.S. 14:35.3, or upon the defendant's dating partner, as defined in R.S.
17 46:2151. If the court orders a contradictory hearing, the hearing shall be held within
18 five days from the date of determination of probable cause, exclusive of weekends
19 and legal holidays. At the contradictory hearing, the court shall determine the
20 conditions of bail or whether the defendant should be held without bail pending trial.

1 If the court decides not to hold a contradictory hearing, it shall notify the prosecuting
2 attorney prior to setting bail. Regardless of whether the court decides to hold a
3 contradictory hearing, a person charged with any crime listed in this Paragraph shall
4 be held without bail for not less than forty-eight nor more than seventy-two hours
5 following the arrest. This holding period runs concurrently with the time period
6 provided in Code of Criminal Procedure Article 230.1.

7 (b) The forty-eight to seventy-two hour holding without bail provided in
8 Paragraph (2) of this Subsection may be referred to as a "cooling off" period for the
9 benefit of the victim.

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 769 Engrossed

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Boyd

Abstract: Requires a person charged with domestic abuse battery to be held without bail for at least 48 hours but not more than 72 hours.

Present law provides relative to bail in domestic abuse battery matters, violations of protective orders, stalking, and any felony offense involving the use or threatened use of force against a family member.

Present law provides for a contradictory bail hearing and conditions under which bail may be granted.

Proposed law retains present law.

Proposed law provides that regardless of whether the court grants a contradictory hearing, a person charged with the crimes listed in present law (C.Cr.P. Art. 313) shall be held without bail between 48 and 72 hours.

Proposed law provides that the 48- to 72-hour period provided in proposed law runs concurrently with the 72-hour maximum period in present law (C.Cr.P. Art. 230.1) for appearance before a judge for the purpose of appointment of counsel.

(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. Provide that the 48- to 72-hour period in proposed law runs concurrently with the 72-hour maximum period in present law (C.Cr.P. Art. 230.1) for appearance before a judge for the purpose of appointment of counsel.