

GREEN SHEET REDIGEST

HB 769

2026 Regular Session

Boyd

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

DIGEST

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 provides that the court may order a person be held without bail for a "cooling off" period of not less than 48 hours nor more than 72 hours if he is charged with certain domestic abuse offenses listed in present law (C.Cr.P. Art. 313).

Proposed law provides that the court will consider any fact presented that indicates that the defendant poses an increased risk to the victim, the victim's family, or the public when deciding to order the defendant be held for a cooling off period.

Proposed law provides that the cooling off period will begin immediately upon the court's determination of probable cause and will run concurrently with the 72-hour maximum period for appearance before a judge for the purpose of appointing counsel provided in present law (C.Cr.P. Art. 230.1).

Proposed law otherwise retains 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. 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.

The House Floor Amendments to the engrossed bill:

1. Make the proposed law holding period permissive rather than mandatory.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Provide that a person, charged with certain domestic abuse offenses may be held without bail for a "cooling off" period of between 48 hours and 72 hours.
2. Change the beginning of the proposed law cooling off period from the offender's arrest to a determination of probable cause.
3. Provide that the court will consider any fact presented that indicates that the defendant poses an increased risk to the victim, the victim's family, or the public before imposing a cooling off period.

4. Provide that the cooling off period will run concurrently with the present law 72-hour maximum period for appearance before a judge for the appointment of counsel.
5. Make technical changes.