

RÉSUMÉ DIGEST

ACT 354 (SB 93)

2026 Regular Session

Mizell

Existing law provides that a person who was released on a previously posted bail undertaking for certain crimes of violence or certain controlled dangerous substance offenses is ineligible for readmittance to bail if he either previously failed to appear and a warrant for arrest was issued and not recalled or the previous bail undertaking was revoked or forfeited.

New law retains existing law and adds that a person released on a previously posted bail undertaking for an offense involving the possession or use of a firearm or any sex offense is also ineligible for readmittance to bail.

Existing law provides that an offender will be remanded to custody to await sentencing unless any of the following occur:

- (1) He is allowed to remain free on a previous bail undertaking that was both posted prior to conviction and fixed pursuant to all applicable provisions of existing law.
- (2) He is released by virtue of a bail undertaking that was both posted after conviction and fixed pursuant to all applicable provisions of existing law.

New law provides that:

- (1) In addition to the offender being remanded to custody to await sentencing, he will also be remanded to custody after sentencing.
- (2) Post conviction bail is not authorized when there is proof of a substantial risk that the offender may flee or poses an imminent danger to any other person or the community, including when the court finds that the offender is likely to commit other violations that endanger the community while released on bail.

Prior law provided a rebuttable presumption that an offender convicted of any crime punishable by imprisonment for 25 years or more that is both a sex offense and a crime of violence will pose a danger to another person or the community and that there is a substantial risk of flight if released.

New law provides that the rebuttable presumption applies to a person convicted of a crime punishable by imprisonment for 25 years or more that is either a sex offense or a crime of violence.

New law applies:

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

New law requires the revocation of bail for any crime of violence, sex offense, or crime involving the possession or use of a firearm following a subsequent arrest for a felony 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.

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

New 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.

Existing law provides for schedules of bail but also authorizes certain courts to fix bail amounts in certain cases.

New law requires a bail schedule implemented by a district court to fix the following minimum bail amounts for the following offenses:

- (1) \$50,000 for possession of child sexual abuse materials.
- (2) \$100,000 for production of child sexual abuse materials.

New law otherwise retains existing law.

New 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.

Existing law provides that certain factors will be considered by the court in fixing the amount of bail.

New law retains existing law and adds"

- (1) Consideration for sex offenses relative to the seriousness of the offense charged.
- (2) 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.

Existing law authorizes a court, for the purposes 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.

New law authorizes a written request for both pending and 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.

New law otherwise retains existing law.

Prior law prohibited the requesting court from copying, duplicating, or otherwise reproducing juvenile records and further required 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.

New law deletes the prohibitions of prior law and provides that the requesting court will 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.

Existing law allows the court having trial jurisdiction over the offense charged to either increase or reduce the amount of bail.

New law retains existing law but provides that the court will not reduce the amount of bail below any minimum amount provided by law.

Existing law provides for bail conditions regarding crimes of violence.

New law retains existing law and adds that the defendant, if equipped with a global positioning monitoring system, must comply with the appropriate geographic restrictions, monitoring conditions, and enforcement provisions of existing law.

(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))