

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 1059**

**2022 Regular Session**

**Bacala**

BAIL: Provides relative to contradictory bail hearings for certain persons

### Synopsis of Senate Amendments

1. Authorizes the court rather than requires the court to hold a contradictory bail hearing for a person in custody for a crime of violence who is currently released pursuant to a bail undertaking for a felony crime of violence.
2. Provides for notice to the court by a law enforcement agency of a previous posted bail undertaking.
3. Requires the court to notify the prosecuting attorney prior to setting bail if a contradictory bail hearing is not held.
4. Provides that if bail is granted to a person convicted of a crime punishable by imprisonment for 25 years or more that is both a sex offense and a crime of violence, upon subsequent arrest by the defendant for any violation of present law (Title 14 of the La. Revised Statutes of 1950), the court shall enter an order revoking bail.
5. Provides that if an order revoking bail is not entered, the state may invoke the supervisory jurisdiction of the court of appeal on a claim that the trial court improperly refused to revoke bail.

### Digest of Bill as Finally Passed by Senate

Present law (C.Cr.P. Art. 312(G)) provides that after conviction of a capital offense, a defendant shall not be allowed bail. Further provides 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, there shall be a rebuttable presumption that the release of the person convicted will pose a danger to another person or the community and there is a substantial risk that the person convicted might flee.

Proposed law provides that if bail is granted to a person convicted of a crime punishable by imprisonment for 25 years or more that is both a sex offense and a crime of violence, upon subsequent arrest by the defendant for any violation of present law (Title 14 of the La. Revised Statutes of 1950), the court shall enter an order revoking bail.

Present law (C.Cr.P. Art. 312(H)) provides that a person held without bail or unable to post bail may invoke the supervisory jurisdiction of the court of appeal on a claim that the trial court has improperly refused bail or a reduction of bail in aailable case.

Proposed law provides that if an order revoking bail is not entered pursuant to proposed law, the state may invoke the supervisory jurisdiction of the court of appeal on a claim that the trial court improperly refused to revoke bail.

Present law (C.Cr.P. Art. 313) provides relative to contradictory bail hearings for persons in custody.

Proposed law retains present law and provides that prior to setting bail, a contradictory hearing may be held for a person in custody for a crime of violence who is currently released pursuant to a bail undertaking for a felony crime of violence.

Proposed law further permits the court, after receiving notice by a law enforcement agency, to order the contradictory hearing to be held within five days, exclusive of weekends and legal holidays. If the court chooses not to hold hearing, the court is required to notify the prosecutor.

(Amends C.Cr.P. Art. 312(G)(2)(b) and (H); Adds C.Cr.P. Arts. 312(G)(2)(c) and 313(E))