

2026 Regular Session

HOUSE BILL NO. 171

BY REPRESENTATIVE SPELL

BAIL: Provides relative to personal sureties

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 323(A) and 324(A), relative to
3 personal sureties; to provide relative to bail; to provide a technical correction to
4 certain cross-references; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Articles 323(A) and 324(A) are hereby
7 amended and reenacted to read as follows:

8 Art. 323. Secured personal surety

9 A. A secured personal surety is a personal surety who satisfies all the
10 requirements of Article 311(5) and specifically mortgages immovable property
11 located in the state of Louisiana.

12 * * *

13 Art. 324. Unsecured personal surety

14 A. A person in custody may be released by order of the court on an
15 unsecured personal surety bail undertaking. An unsecured personal surety is a
16 personal surety where the surety satisfies all the requirements of Article 311(5) and
17 lives and resides in the state of Louisiana without specifically mortgaging or giving
18 a security interest in any property as security to guarantee the surety's performance.

19 * * *

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 171 Original

2026 Regular Session

Spell

Abstract: Provides relative to personal sureties.

Present law provides for secured personal sureties and unsecured personal sureties. Further provides for the undertaking of bail.

Proposed law retains present law and fixes an incorrect cross-reference to personal sureties in present law (C.Cr.P. Art 311).

(Amends C.Cr.P. Arts. 323(A) and 324(A))