

2026 Regular Session

HOUSE BILL NO. 58

BY REPRESENTATIVE VILLIO

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 312(E) through (H) and to enact
3 Code of Criminal Procedure Article 312(I), relative to bail; to prohibit bail after
4 conviction for certain offenders; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 312(E) through (H) are hereby
7 amended and reenacted and Code of Criminal Procedure Article 312(I) is hereby enacted to
8 read as follows:

9 Art. 312. Right to bail before and after conviction

10 * * *

11 E. ~~After~~ Except as provided in Paragraph H of this Article, after conviction
12 and before sentence, bail shall be allowed if the maximum sentence which may be
13 imposed is imprisonment for five years or less. ~~Bail~~ Except as provided in Paragraph
14 H of this Article, bail may be allowed pending sentence if the maximum sentence
15 which may be imposed is imprisonment exceeding five years, except when the court
16 has reason to believe, based on competent evidence, that the release of the person
17 convicted will pose a danger to any other person or the community, or that there is
18 a substantial risk that the person convicted might flee.

19 F. ~~After~~ Except as provided in Paragraph H of this Article, after sentence and
20 until final judgment, bail shall be allowed if a sentence of five years or less is
21 actually imposed. ~~Bail~~ Except as provided in Paragraph H of this Article, bail may
22 be allowed after sentence and until final judgment if the sentence actually imposed
23 exceeds imprisonment for five years, except when the court has reason to believe,
24 based on competent evidence, that the release of the person convicted will pose a
25 danger to any other person or the community, or that there is a substantial risk that
26 the person convicted might flee.

1 G.~~(1)~~ After conviction of a capital offense, a defendant shall not be allowed
2 bail.

3 ~~(2)~~(a) After conviction of any crime punishable by imprisonment for twenty-
4 five years or more that is ~~both~~ either a sex offense ~~and~~ as defined in R.S. 15:541 or
5 a crime of violence as defined in R.S. 14:2(B), there shall be a rebuttable
6 presumption that the release of the person convicted will pose a danger to another
7 person or the community and that there is a substantial risk that the person convicted
8 might flee.

9 ~~(b) For purposes of this Paragraph:~~

10 ~~(i) "Crime of violence" means any offense defined or enumerated as a crime~~
11 ~~of violence in R.S. 14:2(B).~~

12 ~~(ii) "Sex offense" means any offense that requires registration and~~
13 ~~notification pursuant to R.S. 15:540 et seq.~~

14 H. After conviction, a defendant shall not be allowed bail for any of the
15 following offenses:

16 (1) A capital offense.

17 (2) Any aggravated offense as defined in R.S. 15:541 that is committed
18 against a victim who is a minor.

19 H. I. A person held without bail or unable to post bail may invoke the
20 supervisory jurisdiction of the court of appeal on a claim that the trial court has
21 improperly refused bail or a reduction of bail in aailable case.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____