

2026 Regular Session

HOUSE BILL NO. 769

BY REPRESENTATIVE BOYD

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 313(A)(2), relative to arrests  
3 made for domestic abuse; to provide for minimum holding periods; and to provide  
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 313(A)(2) is hereby amended and  
7 reenacted to read as follows:

8 Art. 313. Gwen's Law; bail hearings; detention without bail

9 A.

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11 (2)(a) A contradictory bail hearing, as provided for in this Paragraph, may  
12 be held prior to setting bail for a person in custody who is charged with domestic  
13 abuse battery, violation of protective orders, stalking, or any felony offense involving  
14 the use or threatened use of force or a deadly weapon upon the defendant's family  
15 member, as defined in R.S. 46:2132 or upon the defendant's household member as  
16 defined in R.S. 14:35.3, or upon the defendant's dating partner, as defined in R.S.  
17 46:2151. If the court orders a contradictory hearing, the hearing shall be held within  
18 five days from the date of determination of probable cause, exclusive of weekends  
19 and legal holidays. At the contradictory hearing, the court shall determine the  
20 conditions of bail or whether the defendant should be held without bail pending trial.  
21 If the court decides not to hold a contradictory hearing, it shall notify the prosecuting  
22 attorney prior to setting bail.

23 (b) Notwithstanding the provisions of Subsubparagraph (a) of this  
24 Subparagraph, a person charged with any crime listed in this Paragraph, and for whom a  
25 determination of probable cause has been made, may be held without bail for not less than  
26 forty-eight hours nor more than seventy-two hours following the determination of

1 probable cause. This holding period shall run concurrently with the time period  
2 provided in Article 230.1.

3 (c) In deciding whether to impose the holding period authorized by  
4 Subsubparagraph (b) of this Subparagraph, the court shall consider any facts  
5 presented that indicate an increased risk to the victim, including but not limited to  
6 stalking, strangulation, violation of a protective order, use or threatened use of force  
7 or a deadly weapon, serious bodily injury, or documented threats to the victim, the  
8 victim's family, or the public.

9 (d) The holding period provided for in Subsubparagraph (b) of this  
10 Subparagraph may be referred to as a "cooling off" period for the benefit of the  
11 victim.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_