
DIGEST

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Roy

HB No. 216

Abstract: Provides procedures for the setting of bail for defendants who are arrested without a warrant and are held without a probable cause hearing.

Present law provides that persons continued or remaining in custody pursuant to an arrest made without a warrant shall be entitled to a determination of probable cause within 48 hours of arrest.

Proposed law retains present law.

Present law provides that the failure to conduct the hearing results in release of the defendant on his own recognizance.

Proposed law changes present law to provide that if the 48-hour hearing is not conducted, the court, on the request of the state or the defendant, shall immediately order a contradictory hearing for the setting of bail. Failure to commence a bail hearing within 48 hours of service of the request for hearing on the opposing party shall result in the release of the defendant on an unsecured personal surety bond.

Proposed law further provides that a defendant shall not be entitled to a bail hearing if a magistrate has made a probable cause determination prior to the hearing. If a magistrate finds probable cause at the hearing, the defendant shall be admitted to bail pursuant to present law.

Proposed law shall not preclude the setting of bail by the court or preclude the defendant's rearrest and resetting of bond for the same offense or offenses upon the issuance of an arrest warrant based upon a finding of probable cause by a magistrate.

(Amends C.Cr.P. Art. 230.2(B))