
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 the release of the defendant on an unsecured personal surety bond unless a magistrate has made a probable cause determination prior to the request.

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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Removed proposed law provisions requiring a contradictory hearing to set bail.
2. Added provisions providing for the release of the defendant on an unsecured personal surety bond.