

Regular Session, 2011

HOUSE BILL NO. 216

BY REPRESENTATIVE ROY AND SENATOR PERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 230.2(B), relative to probable
3 cause determinations; to provide with respect to release of certain defendants in the
4 absence of a probable cause hearing; to provide for the release of defendants in
5 certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 230.2(B) is hereby amended and
8 reenacted to read as follows:

9 Art. 230.2. Probable cause determinations; persons arrested without a warrant and
10 continued in custody; bail

11 * * *

12 B.(1) If a probable cause determination is not timely made in accordance
13 with the provisions of Paragraph A of this Article, the arrested person shall be
14 released on his own recognizance.

15 (2) Nothing in this Paragraph shall preclude the defendant's rearrest and
16 resetting of bond for the same offense or offenses upon the issuance of an arrest
17 warrant based upon a finding of probable cause by a magistrate.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____