

Regular Session, 2012

HOUSE BILL NO. 581

BY REPRESENTATIVE LEGER

CRIMINAL/BAIL: Provides for the reinstatement of bail in certain cases

1 AN ACT

2 To enact Code of Criminal Procedure Article 334.4, relative to bail; to provide for the  
3 reinstatement of bail in certain cases; to provide for the circumstances in which bail  
4 may be reinstated; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 334.4 is hereby enacted to read as  
7 follows:

8 Art. 334.4. Reinstatement of bail following dismissal of case by prosecution;  
9 conditions

10 A. When the district attorney dismisses an indictment or information and  
11 institutes a subsequent indictment or information for the same offense or for a lesser  
12 offense based on the same facts, the court shall reinstate any bail discharged when  
13 the district attorney dismissed the initial indictment or information if the surety  
14 consents to the reinstatement expressly and in writing.

15 B. Nothing in this Article limits the court's authority to increase or reduce  
16 bail pursuant to Article 342.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Leger

HB No. 581

**Abstract:** Provides for the reinstatement of bail in cases where the prosecution has dismissed criminal charges if the surety consents to the reinstatement.

Present law provides for the setting of bail by the court in criminal cases.

Proposed law retains present law and further provides that in cases where the district attorney dismisses an indictment or information and institutes a subsequent indictment or information for the same offense or for a lesser offense based on the same facts, the court shall reinstate any bail discharged when the district attorney dismissed the initial indictment or information if the surety consents to the reinstatement expressly and in writing.

(Adds C.Cr.P. Art. 334.4)

Summary of Amendments Adopted by House

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

1. Deleted provision allowing the defendant to be released for five days to obtain consent of the surety if the defendant voluntarily appears in court.
2. Added provision requiring that the consent of the surety to reinstate bail shall be express and in writing.