

Regular Session, 2013

HOUSE BILL NO. 297

BY REPRESENTATIVE JOHNSON

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

CRIMINAL/BAIL: Limits the release of defendants on their own recognizance in certain circumstances

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 334.4, relative to the prohibition
3 on release on own recognizance for certain offenses; to prohibit the release of a
4 defendant on his own recognizance under certain circumstances; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 334.4 is hereby amended and
8 reenacted to read as follows:

9 Art. 334.4. Arrest for certain crimes; release on own recognizance prohibited

10 A. Notwithstanding any other provision of law to the contrary, any defendant
11 who has been arrested for any of the following crimes shall not be released by the
12 court on the defendant's own recognizance or on the signature of any other person:

13 (1) R.S. 14:32.1 (vehicular homicide).

14 (2) R.S. 14:40.3 (cyberstalking), if the person has two prior convictions for
15 the same offense.

16 (3) R.S. 14:44.2 (aggravated kidnapping of a child).

17 (4) R.S. 14:79 (violation of protective orders), if the person has a prior
18 conviction for the same offense.

19 (5) R.S. 14:87.1 (killing a child during delivery).

20 (6) R.S. 14:87.2 (human experimentation).

1 (7) R.S. 14:93.3 (cruelty to the infirmed), if the person has a prior conviction
2 for the same offense.

3 (8) R.S. 14:98 (operating a vehicle while intoxicated), if the person has a
4 prior conviction for the same offense.

5 (9) R.S. 14:102.1(B) (aggravated cruelty to animals).

6 (10) R.S. 14:102.8 (injuring or killing of a police animal).

7 (11) The production, manufacturing, distribution, or dispensing or the
8 possession with the intent to produce, manufacture, distribute or dispense a
9 controlled dangerous substance in violation of R.S. 40:966(B), 967(B), 968(B),
10 969(B), or 970(B) of the Uniform Controlled Dangerous Substances Law.

11 B. Any defendant who has previously been released on his own recognizance
12 or on the signature of any other person on a felony charge, who has either been
13 arrested for a new felony offense or has at any time failed to appear in court as
14 ordered, shall not again be released by the court on the defendant's own recognizance
15 or on the signature of any other person.

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)]

Johnson

HB No. 297

Abstract: Limits the release of defendants on their own recognizance in certain circumstances.

Present law provides that any defendant who has been arrested for certain crimes shall not be released by the court on his own recognizance or on the signature of any other person.

Proposed law retains present law and further provides that any defendant who has previously been released on his own recognizance or on the signature of any other person on a felony charge, who has either been arrested for a new felony offense or has at any time failed to appear in court as ordered, shall not again be released by the court on the defendant's own recognizance or on the signature of any other person.

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