

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 297 by Representative Johnson

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

Synopsis of Senate Amendments

1. Added that the rebuttable presumption applies to failure to appear on a felony offense after the defendant has been notified in open court to appear.
2. Added that the contradictory hearing shall occur within 30 days of the release of the defendant.
3. Added provisions regarding nonprofit organizations performing or providing pretrial services.

Digest of Bill as Finally Passed by Senate

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 for a rebuttable presumption 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 on a felony offense after having been notified in open 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.

Proposed law provides for the presumption to be overcome if the judge determines after a contradictory hearing in open court that a review of the relevant factors warrants the release. Requires the hearing to take place within 30 days of the defendant's release.

Proposed law provides that any nonprofit organization which is contracted or employed, or which receives public funds to perform or provide pretrial services, such as screening of any defendant, shall verify all background information provided by a defendant or otherwise obtained by the organization regarding the defendant. Proposed law provides that a nonprofit organization providing pretrial services shall be a public body under the Public Records Law and all rating information and recommendations provided pursuant to such services shall be public records.

(Amends C.Cr.P. Art. 334.4; Adds 334.6)