

CONFERENCE COMMITTEE REPORT
House Bill No. 297 By Representative Johnson

June 6, 2013

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 297 by Representative Johnson, recommend the following concerning the Reengrossed bill:

1. That Senate Floor Amendments Nos. 1 and 2 in the set of two floor amendments proposed by Senator Morrell and adopted by the Senate on May 31, 2013, be rejected.
2. That Senate Floor Amendments Nos. 1 through 4 in the set of four amendments proposed by Senator Morrell and adopted by the Senate on May 31, 2013, be rejected.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "334.4" and before "relative" delete the comma "," and insert "and to enact Code of Criminal Procedure Article 334.6,"

AMENDMENT NO. 2

On page 1, line 5, after "hearing;" and before "and" insert "to provide for nonprofit organizations performing or providing pretrial services;"

AMENDMENT NO. 3

On page 1, line 9, after "reenacted" and before "to" insert "and Code of Criminal Procedure Article 334.6 is hereby enacted"

AMENDMENT NO. 4

On page 2, line 15, after "court" and before "shall" and delete "as ordered," and insert "on a felony offense after having been notified in open court,"

AMENDMENT NO. 5

On page 2, at the end of line 18, insert "The hearing shall take place within thirty days of the defendant's release."

AMENDMENT NO. 6

On page 2, after line 18, add the following:

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Art. 334.6. Nonprofit organization performing or providing pretrial services
Any nonprofit organization which is contracted, 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."

Respectfully submitted,

Representative Robert A. Johnson

Senator Jean-Paul J. Morrell

Representative Helena N. Moreno

Senator Elbert Guillory

Representative Joseph P. Lopinto

Senator Robert W. "Bob" Kostelka

 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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 297 by Representative Johnson

Keyword and oneliner of the instrument as it left the House

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

Report rejects Senate amendments which would have:

1. Added provisions regarding nonprofit organizations performing or providing pretrial services and required those organizations to be subject to the Public Records Law.
2. 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.
3. Added that the contradictory hearing shall occur within 30 days of the release of the defendant.

Report amends the bill to:

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

Digest of the bill as proposed by the Conference Committee

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, 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, 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.

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