

Regular Session, 2012

SENATE BILL NO. 329

BY SENATOR MORRELL

CRIMINAL PROCEDURE. Prohibits release on own recognizance for certain offenses.
(8/1/12)

1 AN ACT
2 To enact Code of Criminal Procedure Article 334.4, relative to bail; to prohibit the release
3 of a defendant arrested for certain crimes on his own recognizance; and to provide
4 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. Arrest for certain crimes with mandatory minimum sentences;**
9 **release on own recognizance prohibited**

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

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

15 **(2) R.S. 14:40.2 (stalking), when twice previously convicted of the same**
16 **offense.**

17 **(3) R.S. 14:40.3 (cyberstalking), when twice previously convicted of the**

- 1 **same offense.**
- 2 **(4) R.S. 14:44.2 (aggravated kidnapping of a child).**
- 3 **(5) R.S. 14:79 (violation of protective orders), when previously having**
- 4 **been convicted of the same offense.**
- 5 **(6) R.S. 14:87 (abortion).**
- 6 **(7) R.S. 14:87.1 (killing a child during delivery).**
- 7 **(8) R.S. 14:87.2 (human experimentation).**
- 8 **(9) R.S. 14:93.3 (cruelty to the infirmed), when previously having been**
- 9 **convicted of the same offense.**
- 10 **(10) R.S. 14:98 (operating a vehicle while intoxicated), when previously**
- 11 **convicted of the same offense.**
- 12 **(11) R.S. 14:102.1 (aggravated cruelty to animals).**
- 13 **(12) R.S. 14:102.8 (injuring or killing of a police animal).**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Morrell (SB 329)

Proposed law provides that any defendant who has been arrested for any of the following crimes that carry mandatory minimum sentences cannot be released by the court on his own recognizance or on the signature of any other person:

1. Vehicular homicide.
2. Stalking, when twice previously convicted of the same offense.
3. Cyberstalking, when twice previously convicted of the same offense.
4. Aggravated kidnapping of a child.
5. Violation of protective orders, when having previously been convicted of the same offense.
6. Abortion.
7. Killing a child during delivery.
8. Human experimentation.
9. Cruelty to the infirmed, when having previously been convicted of the same offense.
10. Operating a vehicle while intoxicated, when previously convicted of the same offense.

11. Aggravated cruelty to animals.
12. Injuring or killing of a police animal.

Effective August 1, 2012.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Changes applicability of proposed law from twice previously convicted of operating a vehicle while intoxicated to any previous conviction.