



**LOUISIANA STATE LAW INSTITUTE**

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December 22, 2025

Representative Phillip R. DeVillier  
Speaker of the House of Representatives  
P.O. Box 94062  
Baton Rouge, Louisiana 70804

**RE: HOUSE RESOLUTION NO. 191 OF THE 2024 REGULAR SESSION**

Dear Mr. Speaker:

The Louisiana State Law Institute respectfully submits its report to the legislature relative to statewide bail schedules.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Holdridge", with a stylized flourish at the end.

Guy Holdridge  
Director

GH/pc

Enclosure

cc: Representative Michael Bayham

email cc: David R. Poynter Legislative Research Library  
[drplibrary@legis.la.gov](mailto:drplibrary@legis.la.gov)

Secretary of State, Ms. Nancy Landry  
[admin@sos.louisiana.gov](mailto:admin@sos.louisiana.gov)

**LOUISIANA STATE LAW INSTITUTE  
CODE OF CRIMINAL PROCEDURE COMMITTEE**

**REPORT TO THE LEGISLATURE IN RESPONSE TO  
HR NO. 191 OF THE 2024 REGULAR SESSION**

**Relative to statewide bail schedules**

Prepared for the  
Louisiana Legislature on

**December 22, 2025**

Baton Rouge, Louisiana

# **LOUISIANA STATE LAW INSTITUTE CODE OF CRIMINAL PROCEDURE COMMITTEE**

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Marilyn Castle, Reporter  
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2024 Regular Session

HOUSE RESOLUTION NO. 191

BY REPRESENTATIVE BAYHAM

A RESOLUTION

To urge and request the Louisiana State Law Institute to study and provide recommendations relative to the feasibility of statewide bail schedules and to submit a report of its findings and recommendations to the legislature no later than thirty days before the convening of the 2025 Regular Session.

WHEREAS, Article I, Section 18 of the Constitution of Louisiana provides for the right to bail; and

WHEREAS, Title VIII of the Code of Criminal Procedure provides the statutory guidelines for bail; and

WHEREAS, Code of Criminal Procedure Article 314 provides the following magistrates with the authority to fix bail:

- (1) District courts and their commissioners having criminal jurisdiction, in all cases.
- (2) City or parish courts and municipal and traffic courts of New Orleans having criminal jurisdiction, in noncapital cases.
- (3) Mayor's courts and traffic courts in criminal cases within their trial jurisdiction.
- (4) Juvenile and family courts in criminal cases within their trial jurisdiction.
- (5) Justices of the peace in cases not capital or necessarily punishable at hard labor;

and

WHEREAS, Code of Criminal Procedure Article 315 provides that in noncapital felony cases, a bail schedule according to the offense charged may be fixed by a district court and in misdemeanor cases, a bail schedule according to the offense charged may be fixed by a district, parish, or city court for offenses committed within its trial jurisdiction; and

WHEREAS, the development of fixed schedules of bail applicable to all sixty-four parishes provides uniformity relative to bail hearings within this state, regardless of the parish where a criminal offense occurs.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and provide recommendations relative to the feasibility of statewide bail schedules and to submit a report of its findings and recommendations to the legislature no later than thirty days before the convening of the 2025 Regular Session.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

December 22, 2025

To: Representative Phillip R. DeVillier  
Speaker of the House of Representatives  
P.O. Box 94062  
Baton Rouge, Louisiana 70804

**REPORT TO THE LEGISLATURE IN RESPONSE TO  
HOUSE RESOLUTION NO. 191 OF THE 2024 REGULAR SESSION**

House Resolution No. 191 of the 2024 Regular Session urged and requested the Louisiana State Law Institute “to study and provide recommendations relative to the feasibility of statewide bail schedules.” The resolution also notes that “the development of fixed schedules of bail applicable to all sixty-four parishes provides uniformity relative to bail hearings within this state, regardless of the parish where a criminal offense occurs.” In fulfillment of this request, the Law Institute assigned this project to its Criminal Code and Code of Criminal Procedure Committee, which operates under the direction of retired Judge Marilyn Castle as Reporter and is comprised of prosecutors, defense attorneys, judges of district and appellate courts, and representatives of several associations.

The Committee met to discuss the feasibility of implementing a statewide bail schedule and noted at the outset that there are constitutional implications with respect to imposing any mandatory statewide bail schedule that does not take into account the defendant’s ability to pay. The Committee reviewed federal litigation, most notably in Texas and specifically *O’Donnell v Harris*, 892 F.3d 147 (5<sup>th</sup> Cir. 2018), which held that “mechanical application of the secured bail schedule” violates the Equal Protection Clause of the United States Constitution and that there must be “an adequate process for ensuring that there is individual consideration for each arrestee.” *O’Donnell* was eventually reversed, but only because Texas, during the course of the litigation, enacted new laws to guarantee the right to an individual bail hearing. As a result, one of the Law Institute’s most important recommendations, as noted below, is that any statewide bail schedule must have a vehicle for individual consideration for each arrestee; otherwise, it will not withstand constitutional scrutiny.

Subsequent to its initial meetings, the Committee formed a study group that further discussed issues with respect to the use of bail schedules for both misdemeanors and felonies as well as the difficulties in their establishment and the numerous factors that must be considered in determining a reasonable bail amount in each case. The study group then reported back to the Committee. In keeping with the directive of the resolution to make recommendations relative to the feasibility of a statewide bond schedule, should the Legislature choose to establish such a schedule, the Law Institute recommends that the following be considered:

- 1) Any statewide bail schedule must also have a procedure for individual consideration for each arrestee to withstand constitutional scrutiny.

- 2) Prior to implementing a statewide schedule, a statewide survey of bail amounts should be conducted to establish practical guideposts and an evidentiary basis for bail amounts to be applied throughout the judicial districts and parishes in the state. Such a survey should include all types of districts- rural and urban; small, medium, and large population districts; single parish and multi-parish districts; single judge and multi-judge districts; and districts with commissioners or magistrates who set bond as well as those without such assistance.
- 3) A statewide bail schedule based upon average bail amounts throughout the state may “miss” the extremes (i.e. first offender versus a person with an extensive record of convictions or failures to appear) This again points to the need for a vehicle for individual consideration for each arrestee.
- 4) The goal of statewide uniformity in bail amounts based upon the crime of arrest must be balanced against the right of an accused person to a reasonable bail. The reasonableness of bail is based upon factors other than the mere name of the crime charged. An existing provision of Louisiana law with respect to setting bail – Code of Criminal Procedure Article 316 – recognizes this standard. It sets forth certain factors unique to an individual defendant and factors aimed at ensuring the presence of the defendant while also taking into account public safety considerations. If the desire for a statewide bail schedule is rooted in a perception that these factors are not properly being considered, it may be helpful to require the judge setting bail to verify which of these factors were considered when setting a specific bail amount. Having a record of the factors applied by the judge in setting bail would be particularly helpful in the cases that seem to be of most concern, i.e. where bail is allegedly set too high or too low, and would also assist if an appellate court review of the bail amount was requested.
- 5) Alternatives or supplements to bail, such as electronic monitoring, drug testing, mental health, drug treatment, and other services, have been found to be effective in curtailing reoffending as well as improving court attendance in some jurisdictions. The disparity across the state for resources to utilize such alternatives is another factor to be considered when contemplating the establishment of a statewide bail schedule.
- 6) The primary purpose of bail is to ensure the presence of a defendant at all court appearances. A statewide court date text and email reminder system would greatly assist with this objective and should be considered in any discussion regarding bail. This method has already proven highly effective in Jefferson Parish as well as in a pilot program in East Baton Rouge Parish. Nevertheless, funding is an obstacle to establishing such a system in most jurisdictions. The Texas Judicial Branch has launched the Texas Court Reminder Program authorized by HB 4293 of the 87th Legislative Session to provide a statewide court text and email reminder system. Such systems work to decrease failure-to-appear (FTA) rates, improve access to justice, reduce the number of warrants issued, reduce the number of phone calls to the court,

and improve communication with the public. This program is offered to jurisdictions in Texas through the Texas Office of Court Administration.

The Law Institute respectfully submits the above considerations for the Legislature's deliberation, and the Criminal Code and Code of Criminal Procedure Committee stands ready to provide any additional assistance on this matter as may be requested by the Legislature.