

2025 Regular Session

SENATE BILL NO. 87

BY SENATOR BARROW

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

CRIMINAL PROCEDURE. Provides relative to notices of warrant of arrest of a person who fails to appear in court after release on bail. (8/1/25)

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 334, relative to bail; to provide relative to notices of warrants of arrest for failure to appear; to provide for distribution of notices by the clerk of court; to provide for cancellation of obligations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 334 is hereby amended and reenacted to read as follows:

Art. 334. Notice of warrant of arrest

After a warrant for arrest is issued, the clerk of court shall, within sixty days, send a notice of warrant for arrest to the prosecuting attorney. The notice shall also be sent by United States mail or electronic means to the defendant, the bail agent or bondsman, if any, ~~and~~ the personal surety, **and the cash depositor who posted the bond, provided that the clerk of court has received the information necessary for service.** Notice shall be sent by electronic means or by certified mail return receipt requested to the commercial surety. All notices shall be sent to the addresses provided pursuant to Article 329 or an address registered with the Louisiana

1 Department of Insurance. The notice to the commercial surety shall include the  
 2 power of attorney number used to execute the bail undertaking. Failure to include the  
 3 power of attorney number shall not affect the validity or enforcement of a resulting  
 4 judgment. After sending the notice of warrant for arrest, the clerk of court shall  
 5 execute a certificate that notice was sent and place the certificate in the record.  
 6 Failure to send notice to the commercial surety **or the cash depositor** within sixty  
 7 days shall release the surety **or cash depositor** of all obligations under the bail  
 8 undertaking.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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## DIGEST

SB 87 Engrossed

2025 Regular Session

Barrow

Present law requires the clerk of court to send a notice of a warrant for arrest of a person who fails to appear after release on bail to the prosecuting attorney within 60 days of the warrant's issue and to send copies of the notice, by either U.S. mail or electronic means, to the defendant, the bail agent or bondsman, if any, and the personal surety.

Proposed law retains present law and requires the clerk of court to send a copy of the notice of arrest warrant to the cash depositor who posted the bond if the clerk of court has the appropriate service information.

Present law provides that failure of the clerk of court to send the required notice to the commercial surety within 60 days releases the surety from all obligations under the bail undertaking.

Proposed law retains present law and provides that failure of the clerk of court to send the required notice to the cash depositor within 60 days releases the cash depositor from all obligations under the bail undertaking.

Effective August 1, 2025.

(Amends C.Cr.P. Art. 334)

Summary of Amendments Adopted by Senate

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

1. Provide that the clerk of court will be required to send notices to persons specified in proposed law only if the clerk of court has the necessary service information.