HLS 17RS-1015 ORIGINAL

2017 Regular Session

HOUSE BILL NO. 332

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BY REPRESENTATIVE TERRY BROWN

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

CRIMINAL/PROCEDURE: Provides relative to service of a notice of warrant for arrest when a defendant fails to appear in court

AN ACT

2	To amend and reenact Code of Criminal Procedure Articles 334 and 336(A)(3) and to enact
3	Code of Criminal Procedure Article 329(F), relative to the bail undertaking; to
4	provide with respect to notice of a warrant for arrest; to provide for duties of the
5	clerk; to provide relative to applicability; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Code of Criminal Procedure Articles 334 and 336(A)(3) are hereby
8	amended and reenacted and Code of Criminal Procedure Article 329(F) is hereby enacted
9	to read as follows:
10	Art. 329. Declaration of residence; waiver of notice
11	* * *
12	F. The clerk shall comply with the requirements for notice of warrant for
13	arrest under the provisions of Article 334 if the proper mailing address and electronic
14	address for the commercial surety is filed in the record.
15	* * *
16	Art. 334. Notice of warrant of for arrest
17	A. After a warrant for arrest is issued and the warrant has not been recalled,
18	the clerk of court shall, within sixty days, send a notice of warrant for arrest to the
19	prosecuting attorney. The notice shall also be sent by United States mail or
20	electronic means to the defendant, the bail agent or bondsman, if any, and the

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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personal surety. 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 Department of Insurance. The notice to the commercial surety shall include the power of attorney number used to execute the bail undertaking. Failure to include the power of attorney number shall not affect the validity or enforcement of a resulting judgment. After sending the notice of warrant for arrest, the clerk of court shall execute a certificate that notice was sent and place the certificate in the record. Failure to send notice to the commercial surety within sixty days shall release the surety of all obligations under the bail undertaking. B. The provisions of this Article shall not apply to offenses provided for in Title 32 of the Louisiana Revised Statutes of 1950. Art. 336. Proof necessary at bond forfeiture hearing A. The court at a contradictory hearing shall forfeit the bail undertaking and sign a judgment of bond forfeiture upon proof of all of the following: (3) Notice to the defendant and the surety as required by Article 334.

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)]

HB 332 Original

2017 Regular Session

Terry Brown

Abstract: Revises law regarding notice of a warrant for arrest.

<u>Present law</u> requires that a commercial surety provide a proper mailing and electronic address to the clerk of court for purposes of receiving notices from the court.

<u>Proposed law</u> retains <u>present law</u> but provides that the clerk shall comply with providing notice of a warrant of arrest only if the commercial surety has provided the proper mailing and electronic address to the clerk.

<u>Present law</u> provides that after a warrant for arrest is issued, the clerk of court has 60 days to send a notice of warrant for arrest to the prosecuting attorney, the defendant, the bail agent or bondsman, if any, and the personal surety.

<u>Proposed law</u> removes requirement that notice be sent to the defendant, bail agent or bondsman, and the personal surety.

<u>Proposed law</u> also provides that the notice of warrant for arrest provisions do not apply to motor vehicle violations.

(Amends C.Cr.P. Arts. 334 and 336(A)(3); Adds C.Cr.P. Art. 329(F))