

2017 Regular Session

HOUSE BILL NO. 332

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

1 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 parties receiving notice 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

1 personal surety. Notice shall be sent by electronic means or by certified mail return
 2 receipt requested to the commercial surety. All notices shall be sent to the addresses
 3 provided pursuant to Article 329 or an address registered with the Louisiana
 4 Department of Insurance. The notice to the commercial surety shall include the
 5 power of attorney number used to execute the bail undertaking. Failure to include
 6 the power of attorney number shall not affect the validity or enforcement of a
 7 resulting judgment. After sending the notice of warrant for arrest, the clerk of court
 8 shall execute a certificate that notice was sent and place the certificate in the record.
 9 Failure to send notice to the commercial surety within sixty days shall release the
 10 surety of all obligations under the bail undertaking.

11 B. The provisions of this Article shall not apply to offenses provided for in
 12 Title 32 of the Louisiana Revised Statutes of 1950.

13 * * *

14 Art. 336. Proof necessary at bond forfeiture hearing

15 A. The court at a contradictory hearing shall forfeit the bail undertaking and
 16 sign a judgment of bond forfeiture upon proof of all of the following:

17 * * *

18 (3) ~~Notice to the defendant and the surety~~ as required by Article 334.

19 * * *

20 Section 2. The provisions of this Act shall become effective on January 1, 2018.

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 Engrossed

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

Present law requires the defendant and personal surety signing a bail undertaking to provide the address at which each can be served and a mailing address, if different. Requires a commercial surety to provide a proper mailing address and electronic address to execute the bail undertaking. Present law further requires the agent or bondsman posting the bail undertaking to place his proper mailing address under his signature.

Proposed law retains present law but provides that the clerk shall comply with providing notice of a warrant of arrest if the parties to receive notice have provided proper mailing and electronic addresses to the clerk.

Present law 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.

Proposed law removes the requirement that a notice of warrant for arrest be sent to the defendant and otherwise retains present law.

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

Effective on Jan. 1, 2018.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Amend the proposed law requirement for the clerk to send notice of warrant for arrest to the commercial surety to parties to receive notice if the proper mailing addresses and electronic addresses are filed in the record.
2. Restore present law relative to the requirement for notice of warrant for arrest to be sent by electronic means to the bail agent or bondsman, if any, and the personal surety and remove the requirement that the notice be sent to the defendant.
3. Add an effective date of Jan. 1, 2018.