

## RÉSUMÉ DIGEST

ACT 172 (SB 234)

2017 Regular Session

LaFleur

Prior law, relative to bail, provided that in the context of bail a "personal surety" is a natural person domiciled in the state who owns property in the state that is subject to seizure and is of sufficient value to satisfy, considering all his property, the amount specified in a bail undertaking. Prior law further provided that the value of the property excludes the amount exempt from execution, and must be over and above all other liabilities, including the amount of any other bail undertaking on which he may be principal or surety. Prior law further provided that a bail undertaking of a personal surety may be unsecured or secured.

New law retains prior law.

Prior law provided that a secured personal surety is a personal surety who satisfies all the requirements of prior law relative to personal sureties and who specifically mortgages immovable property located in the state.

Prior law provided that bail without surety may be secured by a mortgage on the property of the defendant pursuant to prior law or may be unsecured.

New law provides that the security shall only apply to and be limited to that immovable property specifically described in the mortgage.

Prior law further provided that a secured personal surety may establish a mortgage over immovable property in favor of the state of Louisiana or the proper political subdivision to secure a bail undertaking.

New law retains prior law.

Effective upon signature of the governor (June 12, 2017).

(Amends C.Cr.P. Art. 323(B))