

2019 Regular Session

HOUSE BILL NO. 224

BY REPRESENTATIVE DUPLESSIS

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

CRIMINAL/ARRESTS: Authorizes law enforcement officers to issue a citation in lieu of arrest for persons with a suspended, revoked, or canceled driver's license

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AN ACT

To amend and reenact Code of Criminal Procedure Article 211(C) and to enact Code of Criminal Procedure Article 211(D), relative to a summons by a peace officer instead of arrest or booking; to provide an officer with discretion to issue a citation in lieu of arrest for persons operating a motor vehicle with a suspended, revoked, or canceled driver's license; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 211(C) is hereby amended and reenacted and Code of Criminal Procedure Article 211(D) is hereby enacted to read as follows:

Art. 211. Summons by officer instead of arrest and booking

* * *

C.(1) When a peace officer has reasonable grounds to believe a person has committed an offense of driving without a valid driver's license, whether physical or electronic, in his possession, the officer shall make every practical attempt based on identifying information provided by the person to confirm that the person has been issued a valid driver's license. If the officer determines that the person has been issued a valid driver's license which is not under revocation, suspension, or cancellation, but that the physical or electronic license is not in his possession, the

1 officer shall issue a written summons to the offender in accordance with law,
2 commanding him to appear and answer the charge.

3 (2) The provisions of this Article shall in no way limit a peace officer from
4 issuing a citation for operating a motor vehicle without ~~physical~~ possession of a valid
5 driver's license.

6 D. When a peace officer has reasonable grounds to believe a person has
7 committed an offense of driving with a driver's license that is under revocation,
8 suspension, or cancellation, the officer may use his discretion to make a custodial
9 arrest or issue a written summons to the offender, in accordance with law,
10 commanding him to appear and answer the charge.

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 224 Engrossed

2019 Regular Session

Duplessis

Abstract: Authorizes law enforcement officers to issue a citation in lieu of arrest for persons driving with a driver's license that is suspended, revoked, or canceled.

Present law requires a peace officer make every practical attempt to confirm that a person has been issued a valid driver's license when the officer has reasonable grounds to believe the person has committed the offense of driving without a valid driver's license.

Present law further specifies that if the officer determines that the person has been issued a valid driver's license that is not under revocation, suspension, or cancellation, but is not in the person's possession, the officer must issue a written summons to the offender.

Proposed law provides that a person must be in possession of their driver's license whether in physical or electronic form.

Proposed law authorizes a peace officer to use his discretion to make a custodial arrest or issue a citation for a person driving with a driver's license that is under suspension, revocation, or cancellation.

(Amends C.Cr.P. Art. 211(C); Adds C.Cr.P. Art 211(D))