

2019 Regular Session

HOUSE BILL NO. 224

BY REPRESENTATIVE DUPLESSIS

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

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

12 \* \* \*

13 C.(1) When a peace officer has reasonable grounds to believe a person has  
14 committed an offense of driving without a valid driver's license, whether physical or  
15 electronic, in his possession, the officer shall make every practical attempt based on  
16 identifying information provided by the person to confirm that the person has been  
17 issued a valid driver's license. If the officer determines that the person has been  
18 issued a valid driver's license which is not under revocation, suspension, or  
19 cancellation, but that the physical or electronic license is not in his possession, the  
20 officer shall issue a written summons to the offender in accordance with law,  
21 commanding him to appear and answer the charge.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_