

2021 Regular Session

HOUSE BILL NO. 83

BY REPRESENTATIVE FONTENOT

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

BAIL: Provides relative to the posting of bail

1 AN ACT

2 To enact Code of Criminal Procedure Article 330.1, relative to bail; to provide relative to
3 the posting and payment of bail obligations; to provide relative to the transportation
4 of persons in custody; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 330.1 is hereby enacted to read as
7 follows:

8 Art. 330.1. Arrest different from where bail obligation originated

9 Notwithstanding any provisions of law to the contrary, a person who is
10 arrested and booked in a jurisdiction pursuant to a warrant or an attachment
11 originating from a different jurisdiction may be released from custody when bail has
12 been posted in either jurisdiction as provided by the following:

13 (1) The amount of the bail obligation shall be included on the warrant or
14 attachment. In the event that the warrant or attachment does not include the amount
15 of the bail obligation, the amount may be set by anyone in the jurisdiction from
16 which the warrant or attachment originated who is authorized to set bail pursuant to
17 Article 314 within twenty-four hours. In the event that the person authorized to set
18 bail pursuant to Article 314 authorizes a personal surety undertaking, release from
19 custody shall be in accordance with this Article.

1 (2) The jurisdiction where the bail obligation originated shall retain the right
2 to have the person in custody transported. The person in custody may be released
3 if the jurisdiction where the bail obligation originated does not object to the posting
4 of bail or release from custody. The jurisdiction where the bail obligation originated
5 shall be responsible for transporting the person from the jurisdiction having custody
6 to the appropriate jurisdiction within the time prescribed by law if the jurisdiction
7 where the bail obligation originated objects to the posting of bail or release from
8 custody.

9 (3) Upon the posting of bail in the jurisdiction from which the warrant or
10 attachment originated, written notice that bail has been posted and that release from
11 custody is authorized shall be provided to the jurisdiction having custody of the
12 arrested person.

13 (4) Upon release of the arrested person, notice as provided for in Article 330
14 shall be given to the arrested person by the jurisdiction that is releasing the person,
15 and the notice shall include the date, time, and location of any court appearances as
16 well as any conditions of bail that may exist.

17 (5) A person arrested by a jurisdiction different from the jurisdiction from
18 which the warrant or attachment originated may post bail to the jurisdiction which
19 has custody of the arrested person in accordance with this Article. It shall be the
20 responsibility of the jurisdiction from which the warrant or attachment originated to
21 deliver the information necessary to provide notice in accordance with Article 330
22 to the jurisdiction having custody of the arrested person. It shall be the responsibility
23 of the jurisdiction having custody of the arrested person to transfer all necessary
24 paperwork, documents, sureties, and currency to the jurisdiction from which the
25 warrant or attachment originated within seven business days.

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 83 Original

2021 Regular Session

Fontenot

Abstract: Provides relative to the payment of bail obligations when the arrest occurs in a different jurisdiction from where the bail obligation originated.

Proposed law allows the bail obligation to be paid to either the jurisdiction where the bail originated or to the jurisdiction where the arrest was made.

Proposed law requires the amount of the bail obligation to be included in the warrant or attachment. In the event that the amount is not included in the warrant or attachment, proposed law allows anyone in the jurisdiction where the bail obligation originated who is authorized to set bail pursuant to present law (C.Cr.P. Art. 314) to set a bail amount within 24 hours.

Proposed law provides that the jurisdiction where the bail obligation originated retains the right to have the person in custody transported.

Proposed law provides that a person in custody may be released if the jurisdiction where the bail obligation originated does not object to the posting of bail or release from custody. Proposed law further provides that the jurisdiction where the bail obligation originated is responsible for transporting the person to the appropriate jurisdiction within the time prescribed by present law if the jurisdiction where the bail obligation originated objects to the posting of bail or release from custody.

Proposed law requires written notice that the bail has been posted and that release from custody is authorized shall be provided to the jurisdiction having custody of the arrested person.

Proposed law also requires that notice, as provided by present law (C.Cr.P. Art. 330), shall be given to the arrested person upon release, and proposed law further requires the notice to include the date, time, and location of any court appearances as well as any conditions of bail that may exist.

Proposed law provides that it is the responsibility of the jurisdiction from which the warrant or attachment originated to deliver information necessary to provide notice in accordance with present law to the jurisdiction having custody of the person.

Proposed law further provides that it is the responsibility of the jurisdiction having custody of the arrested person to transfer all necessary paperwork, documents, sureties, and currency to the jurisdiction from which the warrant or attachment originated within seven business days.

(Adds C.Cr.P. Art. 330.1)