

2022 Regular Session

HOUSE BILL NO. 129

BY REPRESENTATIVES NELSON AND HUGHES

MTR VEHICLE/DRIVER LIC: Provides relative to an arrested person's failure to honor a written promise to appear

1 AN ACT

2 To amend and reenact R.S. 32:391(B) and (C) and to repeal R.S. 32:57.1, relative to
3 appearance upon arrest; to remove the prohibition for failure to honor a written
4 promise; to remove the requirement for an arresting officer to inform an arrested
5 person of the consequences for failure to honor a written promise; to remove
6 penalties associated with a violation for failure to honor a written promise to appear;
7 to remove provisions governing the notice of a failure to appear, suspension of an
8 arrested person's license, and fines; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 32:391(B) and (C) are hereby amended and reenacted to read as
11 follows:

12 §391. Appearance upon arrest

13 * * *

14 B. If the person arrested holds a Louisiana operator's license and gives his
15 written promise to appear at the time and place stated, the officer may release him
16 from custody or take him immediately before a magistrate, but shall not require the
17 person arrested to deposit his operator's license. Any such person refusing to give
18 the written promise to appear shall be taken immediately by the arresting officer
19 before the nearest or most accessible magistrate having jurisdiction. ~~Any person~~
20 ~~who willfully violates his written promise to appear shall be punished as provided~~

1 ~~in R.S. 32:57.1, regardless of the disposition of the charge upon which he was~~
2 ~~arrested originally. The arresting officer shall fully inform the arrested person of the~~
3 ~~consequences of failing to honor a written promise to appear pursuant to R.S.~~
4 ~~32:57.1.~~

5 C. Notwithstanding any other provision of law to the contrary, in Orleans
6 Parish, if the person arrested holds a Louisiana operator's license and gives his
7 written promise to appear at the time and place stated, the officer shall release him
8 from custody, and shall not require the person arrested to deposit his operator's
9 license. Any such person refusing to give the written promise to appear shall be
10 taken immediately by the arresting officer before the nearest or most accessible
11 magistrate having jurisdiction. ~~Any person who willfully violates his written~~
12 ~~promise to appear shall be punished as provided in R.S. 32:57.1, regardless of the~~
13 ~~disposition of the charge upon which he was arrested originally. The arresting~~
14 ~~officer shall fully inform the arrested person of the consequences of failing to honor~~
15 ~~a written promise to appear pursuant to R.S. 32:57.1.~~

16 * * *

17 Section 2. R.S. 32:57.1 is hereby repealed in its entirety.

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 129 Original

2022 Regular Session

Nelson

Abstract: Removes the provisions associated with an arrested person's failure to honor a written promise to appear.

Present law provides the requirements for an appearance upon arrest.

Present law provides the personal identifying information an arresting officer must obtain whenever any person is arrested for a violation of any provision in present law or any regulation of the department or of the secretary of the Dept. of Public Safety and Corrections.

Present law provides that an arresting officer may release any person arrested holding a Louisiana operator's license from custody or take him immediately before a magistrate provided such person gives his written promise to appear, but should not require such person to deposit his operator's license. Present law requires an arresting officer to immediately

take such person refusing to give his written promise to appear before the nearest or most accessible magistrate having jurisdiction.

Present law provides that, in New Orleans, an arresting officer must release any person arrested holding a Louisiana operator's license from custody, but cannot require such person to deposit his operator's license. Present law requires an arresting officer to immediately take such person refusing to give his written promise to appear before the nearest or most accessible magistrate having jurisdiction.

Present law provides that any person who willfully violates his written promise will be punished in accordance with present law. Present law requires an arresting officer fully inform the arrested person of the consequences for a failure to honor a written promise to appear in accordance with present law.

Proposed law retains present law and removes the punishment requirement for any person who willfully violates his written promise to appear in accordance with present law. Additionally, proposed law removes the requirement for an arresting officer to fully inform the arrested person of the consequences for a failure to honor a written promise to appear in accordance with present law.

Proposed law repeals the violations associated with present law when an arrested person fails to honor a written promise to appear and all provisions relative to notice, penalties, and fines for such violation.

(Amends R.S. 32:391(B) and (C); Repeals R.S. 32:57.1)