

2022 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVE MARINO

CRIMINAL/PROCEDURE: Prohibits the issuance of a summons in lieu of an arrest for certain domestic violence crimes

1 AN ACT

2 To enact Code of Criminal Procedure Article 211(E), relative to summons by an officer  
3 instead of arrest and booking; to provide an exception to the issuance of a summons  
4 by an officer instead of arrest and booking when certain domestic violence crimes  
5 have occurred; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 211(E) is hereby enacted to read as  
8 follows:

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

10 \* \* \*

11 E. The provisions of this Article shall not apply when the officer has  
12 reasonable grounds to believe a person committed the offense of domestic abuse  
13 battery, battery of a dating partner, violation of a protective order, stalking, or any  
14 other offense involving the use or threatened use of force or a deadly weapon upon  
15 the defendant's family members, as defined in R.S. 46:2132, upon the defendant's  
16 household member, as defined in R.S. 14:35.3, or upon the defendant's dating  
17 partner, as defined in R.S. 46:2151.

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**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)]

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HB 409 Engrossed

2022 Regular Session

Marino

**Abstract:** Prohibits the issuance of a written summons instead of making custodial arrests in the occurrence of certain domestic violence crimes.

Present law requires a peace officer to issue a summons in lieu of making a custodial arrest in the following situations unless certain present law elements exist:

- (1) For a person without a warrant for a misdemeanor or felony charge of theft or illegal possession of stolen things.
- (2) For a person who is believed to have committed the offense of issuing worthless checks as defined by R.S. 14:71.
- (3) For a person who is believed to have committed an offense of driving without a valid driver's license or with a driver's license that has been revoked, suspended, or cancelled.

Proposed law retains present law and specifies that a peace officer may not issue written summons instead of making custodial arrests in the occurrence of certain domestic violence crimes, including but not limited to domestic abuse battery, battery of a dating partner, and stalking.

(Adds C.Cr.P. Art. 211(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add the present law crime of battery of a dating partner to the proposed law exception to the issuance of a summons by an officer.
2. Make technical corrections.