
DIGEST

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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believed to have committed an offense of driving without a valid driver's license or with a driver's license that has been revoked, suspended, or cancelled.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.