

SENATE BILL NO. 360

BY SENATOR FOIL

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 331(I), (J), and (K) and to enact
3 Code of Criminal Procedure Art. 331(L), relative to the discharge of bail obligations;
4 to provide relative to the surrender of the defendant during a statewide public health
5 emergency; to provide relative to bond forfeiture due to the defendant's failure to
6 appear; to provide for procedures; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Art. 331(I), (J), and (K) are hereby amended
9 and reenacted and Code of Criminal Procedure Art. 331(L) is here by enacted to read as
10 follows:

11 Art. 331. Discharge of bail obligation

12 * * *

13 I. In all cases and by operation of law, during the period of time declared by
14 the governor to be a statewide public health emergency due to COVID-19, the time
15 period for the appearance or surrender of a defendant ~~is interrupted. The surety's~~
16 ~~opportunity to resolve a failure to appear by surrendering, constructively~~
17 ~~surrendering, or otherwise satisfying the bail obligation is automatically extended for~~
18 ~~one hundred eighty days following the declared end of the state of emergency or~~
19 ~~from the date of proper notice of a failure to appear to the defendant, surety agent~~
20 ~~and surety, whichever is later, without need for the filing of any motion. shall be~~
21 calculated as follows:

22 (1) For cases when the defendant failed to appear in court and one
23 hundred eighty days from the date the notice of warrant for arrest was sent has
24 not elapsed prior to March 11, 2020, the one hundred eighty day period
25 required before filing a rule to show cause to obtain a judgment of bond
26 forfeiture shall not begin to run until March 17, 2022.

1 (2) For cases when the defendant failed to appear in court between
2 March 11, 2020, and August 31, 2020, the one hundred eighty day period
3 required before filing a rule to show cause to obtain a judgment of bond
4 forfeiture shall not begin to run until June 1, 2022.

5 (3) For cases when the defendant failed to appear in court between
6 September 1, 2020, and February 28, 2021, the one hundred eighty day period
7 required before filing a rule to show cause to obtain a judgment of bond
8 forfeiture shall not begin to run until August 1, 2022.

9 (4) For cases when the defendant failed to appear in court between
10 March 1, 2021, and August 31, 2021, the one hundred eighty day period
11 required before filing a rule to show cause to obtain a judgment of bond
12 forfeiture shall not begin to run until October 1, 2022.

13 (5) For cases when the defendant failed to appear in court between
14 September 1, 2021, and March 16, 2022, the one hundred eighty day period
15 required before filing a rule to show cause to obtain a judgment of bond
16 forfeiture shall not begin to run until December 1, 2022.

17 (6) For cases when the defendant failed to appear in court on or after
18 March 17, 2022, the one hundred eighty day period required before filing a rule
19 to show cause to obtain a judgment of bond forfeiture shall begin to run after
20 the notice of warrant for arrest is sent pursuant to Article 335.

21 J.(1) Additionally, a surety may file a motion in the criminal court of records
22 seeking additional time to surrender a defendant citing specific circumstances related
23 to COVID-19 and pertaining to the defendant in a ~~the~~ criminal matter. ~~A motion~~
24 seeking relief pursuant to this Paragraph shall be filed prior to or at a hearing
25 on a rule to show cause to obtain a judgment of bond forfeiture. The motion
26 shall include all of the following as a bona fide effort of active investigation in
27 the recovery of the defendant:

28 (a) A sworn affidavit affirming efforts to locate and recover the
29 defendant.

30 (b) A signed agreement of the engagement contract between the bail

1 bondsman surety and the fugitive recovery team.

2 (c) Evidence of the last contact between the bail bondsman and either the
3 defendant's next of kin or the indemnitor of the defendant.

4 (2) If the motion meets the requirements of this Paragraph, the court
5 may grant an additional extension of time not to exceed one hundred eighty
6 days. If the court grants an extension of time, the rule to show cause hearing
7 shall be continued after the expiration of the extension of time. If the motion
8 does not meet the requirements of this Paragraph, the court may deny the
9 motion.

10 ~~J.K.~~ In cases which were continued by the court during the time period
11 declared by the governor to be a statewide public health emergency due to
12 COVID-19, it is required that notice of any new date be provided to the defendant
13 or his duly appointed agent and his personal surety or the commercial surety or the
14 agent or bondsman who posted the bail undertaking for the commercial surety in
15 accordance with Article 330(D).

16 ~~K.L.~~ The court shall order the bail obligation canceled when there is no
17 further liability thereon.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____