

## RÉSUMÉ DIGEST

ACT 436 (HB 129)

2022 Regular Session

Nelson

Existing law provides that when an arrested person who was released on a written promise to appear before a magistrate at the place and time specified in a summons fails to honor such written promise to appear, the magistrate or judge may immediately forward to the Dept. of Public Safety and Corrections (department) notice of the failure to appear, with information necessary for identification of the arrested person.

Prior law provided that unless the original charges were disposed of, the department was required to notify the arrested person of suspension of his operator's license and the imposition of a \$50 fee. The department was further required to inform the arrested person that his operator's license cannot be renewed or reissued until the court certified that he honored the promise to appear or paid an appropriate fine.

New law provides that the department shall immediately notify the arrested person by regular mail and any available electronic communication that his operator's license may be suspended if he fails to honor the written promise to appear or pay an appropriate fine for the offense within 180 days after the date the notice was received.

New law requires the department to send a second notice to the arrested person by regular mail and any available electronic communication no later than 120 days after receiving notice from the court exercising jurisdiction of the pending suspension of the operator's license of the arrested person.

Existing law provides that whenever the arrested person makes an appearance or pays an appropriate fine for the offense committed, the prosecuting authority was required to immediately notify the department. Prior law provided that upon such notification and payment of an additional \$50 to the department, the operator's license of the arrested person shall be renewed or reissued.

New law provides that upon notification to the department, and payment of \$100 to the department, if the operator's license of the arrested person was suspended, the operator's license shall be released from the pending suspension, renewed, or reissued. Provides that the \$100 fee may only be assessed once per summons.

New law provides that failure to appear due to incarceration shall be a valid defense for a violation of new law if the person arrested provides evidence of incarceration to the court. Requires the license to be renewed and reissued without payment, all failure to appear payments waived, and any other flags reported to the department be resolved pursuant to existing law.

New law provides that all notices from the department shall include the following information:

- (1) The summons information that the individual failed to appear on.
- (2) The date of the failure to appear.
- (3) The contact information and name of the court where the person needs to appear.

Effective August 1, 2022.

(Amends R.S. 32:57.1(A) and (B); Adds R.S. 32:57.1(D) and (E))