

SENATE FLOOR AMENDMENTS

2023 Regular Session

Amendments proposed by Senator Morris to Engrossed Senate Bill No. 54 by Senator Morris

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 4 and insert the following:

3 "To amend and reenact Code of Criminal Procedure Art. 211(A)(1) and (B)(1), relative to
4 summons by officer instead of arrest and booking; to remove the requirement of the
5 issuance of a summons in lieu of arrest for certain offenses; to provide relative to
6 officer discretion to make an arrest under certain circumstances; and to provide for
7 related matters."

8 AMENDMENT NO. 2

9 On page 1, delete lines 6 and 7 and insert the following:

10 "Section 1. Code of Criminal Procedure Art. 211(A)(1) and (B)(1) are hereby
11 amended and reenacted to read as follows:

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

13 A.(1) When it is lawful for a peace officer to arrest a person without a
14 warrant for a misdemeanor, or for a felony charge of theft or illegal possession of
15 stolen things when the thing of value is five hundred dollars or more but less than
16 one thousand dollars, he ~~shall~~ **may** issue a written summons instead of making an
17 arrest ~~unless one or more~~ **if all** of the following conditions exist:

18 (a) The officer has reasonable grounds to believe that the person will ~~not~~
19 appear upon summons.

20 (b) The officer has **no** reasonable grounds to believe that the person will
21 cause injury to himself or another or damage to property or will continue in the same
22 or a similar offense unless immediately arrested and booked.

23 (c) There is a **no** necessity to book the person to comply with routine
24 identification procedures.

25 (d) ~~The~~ **If an officer issues a summons for a felony described in this**
26 **Paragraph, the officer issuing the summons** has ascertained that the person has
27 ~~two or more~~ **no** prior felony **criminal** convictions.

28 * * *

29 B.(1) When a peace officer has reasonable grounds to believe a person has
30 committed the offense of issuing worthless checks as defined by R.S. 14:71, he ~~shall~~
31 **may** issue a written summons instead of making an arrest ~~unless either~~ **if both** of the
32 following conditions exist:

33 (a) He has reasonable grounds to believe that the person will ~~not~~ appear upon
34 summons.

35 (b) He has **no** reasonable grounds to believe that the person will cause injury
36 to himself or another or damage to property unless immediately arrested.

37 * * *"