

2023 Regular Session

SENATE BILL NO. 54

BY SENATOR MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL PROCEDURE. Repeals provisions relative to police officers making arrests for certain misdemeanors and felonies. (8/1/23)

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

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

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

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

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

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

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

9 * * *

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

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

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

18 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 54 Reengrossed

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Morris

Present law requires that an officer must issue a summons for misdemeanor offenses, and theft or possession of stolen things where the value of the thing is \$500 or more but less than \$1,000, under certain circumstances, in lieu of arrest where certain factors are present.

Proposed law removes the present law requirement and permits law enforcement officers to exercise discretion to either make an arrest or issue a summons.

Effective August 1, 2023.

(Amends C.Cr.P. Art. 211(A)(1) and (B)(1))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Delete proposed law that was repealed in Act 240 of 2021 Regular Session of the Legislature.
2. Change issuance of summons from mandatory to discretionary under certain circumstances.