2024 Regular Session

HOUSE BILL NO. 415

BY REPRESENTATIVE FONTENOT

CRIMINAL/PROCEDURE:  Provides relative to the refusal to accept surrender of surety

1                                              AN ACT

2    To enact Code of Criminal Procedure Article 331(C)(3), relative to discharge of bail

3            obligations; to provide relative to surrender of surety; and to provide for related

4            matters.

5    Be it enacted by the Legislature of Louisiana:

6            Section 1.  Code of Criminal Procedure Article 331(C)(3) is hereby enacted to read

7    as follows:

8            Art. 331.  Discharge of bail obligation

9                                    *        *        *

10           C.

11                                   *        *        *

12                   (3)  In all cases in which the officer originally charged with the detention of

13           the defendant refuses to accept the surrender from the surety, the officer shall issue

14           a citation with a new court date to the defendant.  The surety shall be fully and

15           finally discharged and relieved of all obligations under the bail undertaking by

16           operation of law.

17                                   *        *        *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 415 Original                    2024 Regular Session                    Fontenot

**Abstract:** Provides for the citation of a new court date to the defendant upon refusal to accept surrender from the surety.

Present law (C.Cr.P. Art. 331(C)) provides that a surety may surrender the defendant at any time and shall pay the officer charged with the defendant's detention for accepting the surrender, processing the paperwork, and giving the surety a certificate of surrender.

Proposed law (C.Cr.P. Art. 331(C)(3)) retains present law but provides that in cases where the defendant refuses to accept the surrender from the surety, the officer shall issue a citation with a new court date to the defendant fully discharging and relieving the surety of all obligations under bail operations of law.

(Amends C.Cr.P. Art. 331(C)(3))

CODING: Words in struck through type are deletions from existing law; words underscored are additions.