

2024 Regular Session

HOUSE BILL NO. 445

BY REPRESENTATIVE FONTENOT

BAIL: Provides relative to bond forfeiture

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 335, relative to bond forfeitures;
3 to provide relative to procedures for bond forfeiture; to provide time periods for
4 filing; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 335 is hereby amended and reenacted
7 to read as follows:

8 Art. 335. Rule to show cause; bond forfeiture

9 If the defendant fails to make an appearance and has not been surrendered or
10 constructively surrendered within one hundred eighty days of the execution of the
11 certificate that notice of warrant for arrest was sent, the prosecuting attorney may file
12 a rule to show cause requesting that a bond forfeiture judgment be rendered. The
13 rule to show cause shall be mailed to the defendant and served on all other parties
14 against whom a judgment is sought. The rule to show cause shall be set for a
15 contradictory hearing. The time period for filing a rule to show cause to obtain a
16 judgment of bond forfeiture ~~does not begin until~~ shall be within five years after the
17 notice of warrant for arrest is sent.

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 445 Engrossed

2024 Regular Session

Fontenot

Abstract: Provides relative to bond forfeiture.

Present law provides that a prosecuting attorney may file a rule to show cause requesting that a bond forfeiture judgment be rendered when a defendant fails to appear in court and has not surrendered within 180 days of an issuance of an arrest warrant.

Present law also provides that the time period to file a rule to show cause begins after the notice of warrant for arrest is sent.

Proposed law retains present law but provides that the time period for filing a rule to show cause shall be within five years after the notice of warrant is sent.

(Amends C.Cr.P. Art. 335)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Change the time period for filing a rule to show cause from 360 days to five years after the notice of warrant is sent.