

---

## 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 497 Engrossed

2024 Regular Session

Fontenot

**Abstract:** Provides relative to the conditions of constructive surrender.

Present law provides the instances when a constructive surrender occurs.

Present law provides that a constructive surrender occurs when a surety has paid reasonable or actual costs pursuant to present law for the return of the defendant to the jurisdiction where the arrest warrant was issued.

Proposed law changes present law by providing that a surety's agreement to pay is a constructive surrender as opposed to the actual payment of reasonable or actual costs of returning the defendant.

Proposed law provides that if the surety fails to pay a set amount of the reasonable or actual costs, the recovery shall be through a summary proceeding against both the principal and the surety, as provided in present law (C.C.P. Art. 2592(4)).

(Amends C.Cr.P. Art. 311(4)(c))

### Summary of Amendments Adopted by House

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

1. Provide for a summary proceeding against both the principal and the surety in accordance with present law to recover reasonable or actual costs if the surety fails to pay a set amount of the reasonable or actual costs.