

2024 Regular Session

HOUSE BILL NO. 497

BY REPRESENTATIVE FONTENOT

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 311(4)(c), relative to constructive
3 surrender; to provide for the payment of certain costs; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 311(4)(c) is hereby amended and
7 reenacted to read as follows:

8 Art. 311. Definitions

9 For the purpose of this Title, the following definitions shall apply:

10 * * *

11 (4) A constructive surrender is the detention of the defendant in another
12 parish of the state of Louisiana or a foreign jurisdiction under the following
13 circumstances:

14 * * *

15 (c) The surety ~~has paid~~ agrees to pay reasonable or actual costs of returning
16 the defendant to the jurisdiction where the warrant for arrest was issued ~~by one of the~~
17 ~~following methods~~. If the surety fails to pay a set amount of the reasonable or actual
18 costs, the recovery shall be through a summary proceeding against both the principal
19 and the surety, as provided in Code of Civil Procedure Article 2592(4).

20 (i) ~~Upon presentation of proof of the defendant's current incarceration in a~~
21 ~~foreign jurisdiction to the officer originally charged with the defendant's detention,~~
22 ~~the officer shall provide the surety with the reasonable or actual costs of returning~~

