

Regular Session, 2014

HOUSE BILL NO. 418

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Provides with respect to bond forfeiture

1 AN ACT

2 To enact Code of Criminal Procedure Article 349.10, relative to the satisfaction of bond
3 forfeiture; to provide for a time period for the failure to satisfy a judgment of bond
4 forfeiture; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 349.10 is hereby enacted to read as
7 follows:

8 Art. 349.10. Failure to timely satisfy judgment of bond forfeiture

9 A. For bonds that have a face value under fifty thousand dollars, a judgment
10 forfeiting the appearance bond shall be satisfied after the expiration of one hundred
11 ninety days after the date of the mailing of the notice of the signing of the judgment
12 of bond forfeiture.

13 B. For bonds with a face value of fifty thousand dollars or more, a judgment
14 forfeiting the appearance bond shall be satisfied after the expiration of two hundred
15 eighty days after the date of the mailing of the notice of the signing of the judgment
16 of bond forfeiture.

17 C. Satisfaction of judgment of bond forfeiture shall occur by any of the
18 following:

19 (1) Pursuant to the provisions of Code of Criminal Procedure Article 349.8.

20 (2) Pursuant to the provisions of Code of Criminal Procedure Article 349.9.

1 (3) By payment of the full amount of the judgments of bond forfeiture into
2 the registry of the court and the simultaneous institution of proceedings to determine
3 the validity of the judgment of bond forfeiture.

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)]

Lopinto

HB No. 418

Abstract: Provides a time period for failure to timely satisfy a judgment of bond forfeiture.

Present law provides for the issuance of bail bonds and for the satisfaction of the bail obligation upon the surrender of the defendant or the appearance of the defendant in court.

Present law specifies a 180-day period within which to file a motion to set aside the judgment of bond forfeiture.

Present law further provides that a judgment decreeing the forfeiture of an appearance bond shall not be rendered if it is shown to the satisfaction of the court that the defendant, principal in the bond, is prevented from attending court because of specific circumstances provided for in present law.

Proposed law provides that for bonds that have a face value under \$50,000, a judgment forfeiting the appearance bond shall be satisfied after the expiration of 190 days after the date of the mailing of the notice of the signing of the judgment of bond forfeiture.

Proposed law provides that for bonds with a face value of \$50,000, or more, a judgment forfeiting the appearance bond shall be satisfied after the expiration of 280 days after the date of the mailing of the notice of the signing of the judgment of bond forfeiture.

Proposed law recognizes two methods of satisfaction of bond forfeiture which exist in present law (C.Cr.P. Art. 349.8 and 349.9) and adds an additional method for the satisfaction of bond forfeiture. Proposed law provides that the bond forfeiture shall be satisfied by payment in full amount of the judgment of bond forfeiture into the registry of the court and the simultaneous institution of proceedings to determine the validity of the judgment of bond forfeiture.

(Adds C.Cr.P. Art. 349.10)