

2016 Regular Session

HOUSE BILL NO. 385

BY REPRESENTATIVE HAZEL

CRIME: Creates the crime of providing false, nonexistent, or incomplete declaration of residence for bail

1 AN ACT

2 To enact R.S. 14:110.1.2, relative to offenses affecting law enforcement; to create the crime
3 of providing false, nonexistent, or incomplete declaration of residence for bail; to
4 provide elements of the offense; to provide criminal penalties; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:110.1.2 is hereby enacted to read as follows:

8 §110.1.2. Providing false, nonexistent, or incomplete declaration of residence for
9 bail

10 A. It shall be unlawful for any person to give or place on any bail bond or
11 declaration of residence false, nonexistent, or incomplete information for purposes
12 of service or notice as required by Code of Criminal Procedure Article 322.

13 B. Whoever commits the crime of providing false, nonexistent, or
14 incomplete declaration of residence for bail when the bail is to assure the presence
15 of the defendant for those cases defined as misdemeanors in this Title and in the
16 Uniform Controlled Dangerous Substances Law shall be imprisoned for not more
17 than six months, or fined not more than five hundred dollars, or both.

- 1 C. Whoever commits the crime of providing false, nonexistent, or
2 incomplete declaration of residence for bail when the bail is to assure the presence
3 of the defendant for those cases defined as felonies in this Title and in the Uniform
4 Controlled Dangerous Substances Law shall be imprisoned at hard labor for not more
5 than two years.
- 6 D. There shall be a presumption that an address provided by a defendant is
7 false, nonexistent, or incomplete if a return on service or notice by a peace officer
8 or authorized agent for purposes of service or notice makes a return of record stating
9 that the address is false, nonexistent, incomplete, or similarly unreachable, or if
10 mailed notice is returned by the United States Post Office or parcel service for
11 similar reasons.

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 385 Engrossed

2016 Regular Session

Hazel

Abstract: Creates the crime of providing false, nonexistent, or incomplete declaration of residence for bail.

Proposed law provides that it shall be unlawful for any person to give or place on any bail bond or declaration of residence false, nonexistent, or incomplete information for purposes of service or notice. Provides for a presumption that an address is false, nonexistent, or incomplete in certain circumstances.

Proposed law provides criminal penalties for misdemeanor cases including imprisonment for not more than six months, or a fine of not more than \$500, or both. For felonies, the criminal penalties include imprisonment at hard labor for not more than two years.

(Adds R.S. 14:110.1.2)

Summary of Amendments Adopted by House

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

1. Changes proposed penalty provisions to make them consistent with the crime of jumping bail.