
DIGEST

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HB 61 Original

2017 Regular Session

Foil

Abstract: Requires the issuance of a summons in lieu of arrest for misdemeanors or for a felony charge of theft or illegal possession of stolen things with a certain threshold value.

Present law authorizes an officer to issue a written summons instead of making an arrest for misdemeanors or certain felony charges of theft and illegal possession of stolen things if all of the following exist:

- (1) The officer has reasonable grounds to believe the person will appear upon summons.
- (2) The officer has no reasonable grounds to believe the person will cause injury to himself or another, damage property, or will continue in the same or similar offense unless immediately arrested and booked.
- (3) There is no necessity to book the person to comply with routine identification procedures.
- (4) For a felony charge of theft or illegal possession of stolen things, the officer ascertained that the person has no prior criminal convictions.

Proposed law requires the issuance of written summons in lieu of arrest for a misdemeanor or for certain felony theft charges and otherwise retains present law.

Present law authorizes the court to issue a summons, instead of an arrest warrant, for a misdemeanor offense charged by indictment or information if it has reasonable ground to believe that person will appear in response to a summons.

Proposed law requires the court to issue a summons in lieu of an arrest warrant, unless it has reasonable grounds to believe the person will not appear in response to the summons.

(Amends C.Cr.P. Arts. 211(A)(1)(intro. para.) and (d) and 497)