

2017 Regular Session

HOUSE BILL NO. 219

BY REPRESENTATIVE LEOPOLD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BAIL: Provides relative to the discharge of bail obligations and bond forfeiture judgments

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 331(A)(1) and 335, relative to
3 bail; to provide relative to the discharge of bail obligations in misdemeanor cases;
4 to provide relative to the procedure for bond forfeiture judgments; to allow a surety
5 to provide a copy of the certificate of surrender after a rule to show cause is filed;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 331(A)(1) and 335 are hereby
9 amended and reenacted to read as follows:

10 Art. 331. Discharge of bail obligation

11 A.(1) Upon conviction ~~and imposition of sentence~~ or the pronouncement of
12 sentence or condition of probation pursuant to Article 894 in misdemeanor cases, the
13 bail undertaking shall cease and the surety shall be relieved of all obligations under
14 the bail undertaking.

15 * * *

16 Art. 335. Rule to show cause; bond forfeiture

17 A. If the defendant fails to make an appearance and has not been surrendered
18 or constructively surrendered within one hundred eighty days of the execution of the
19 certificate that notice of warrant for arrest was sent, the prosecuting attorney may file
20 a rule to show cause requesting that a bond forfeiture judgment be rendered. The

1 rule to show cause shall be mailed to the defendant and served on all other parties
2 against whom a judgment is sought. The rule to show cause shall be set for a
3 contradictory hearing. The time period for filing a rule to show cause to obtain a
4 judgment of bond forfeiture does not begin until after the notice of warrant for arrest
5 is sent.

6 B. If the prosecuting attorney files a rule to show cause requesting that a
7 bond forfeiture judgment be rendered, upon being served with the rule to show
8 cause, the surety may provide a copy of the certificate of surrender pursuant to
9 Article 331(C)(1) and the prosecuting attorney shall notify the court that the rule to
10 show cause is no longer necessary and the bond forfeiture judgment should not be
11 rendered.

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 219 Original

2017 Regular Session

Leopold

Abstract: Provides relative to the discharge of bail obligations in misdemeanor cases and allows a surety to provide a copy of the certificate of surrender after a rule to show cause is filed by a prosecuting attorney for a bond forfeiture judgment.

Present law provides that a bail undertaking ceases and a surety is relieved of all obligations upon conviction and imposition of a sentence or the pronouncement of a sentence or condition of probation of a defendant in misdemeanor cases.

Proposed law amends present law to provide that a surety's bail obligation is relieved upon the conviction or the pronouncement of a sentence or condition of probation of a defendant in misdemeanor cases.

Present law authorizes the prosecuting attorney to file a rule to show cause requesting the court to render a bond forfeiture judgment if the defendant fails to make an appearance and has not been surrendered or constructively surrendered within 180 days of the execution of the certificate that notice of warrant for arrest was sent. Present law further requires the rule to show cause to be mailed to the defendant and served on all other parties against whom a judgment is sought and to be set for a contradictory hearing.

Proposed law retains present law and provides that if the prosecuting attorney files a rule to show cause requesting the court to render a bond forfeiture judgment, the surety can provide a copy of the certificate of surrender upon being served with the rule to show cause and the prosecuting attorney is then required to notify the court that the rule to show cause is not necessary and the bond forfeiture judgment should not be rendered.

(Amends C.Cr.P. Arts. 331(A)(1) and 335)