
DIGEST

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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)