

2021 Regular Session

HOUSE BILL NO. 560

BY REPRESENTATIVE EMERSON

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

CRIMINAL/PROCEDURE: Provides relative to the issuance of summons by an officer in lieu of arrest

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 211, relative to summons by an  
3 officer instead of arrest and booking; provides for issuance of a citation in lieu of  
4 arrest for persons committing certain offenses; and to provide for related matters.

5 Art. 211. Summons by officer instead of arrest and booking

6 A.(1) When it is lawful for a peace officer to arrest a person without a  
7 warrant for a misdemeanor, or for a felony charge of theft or illegal possession of  
8 stolen things when the thing of value is five hundred dollars or more but less than  
9 one thousand dollars, he may ~~issue a written summons instead of making an arrest~~  
10 make an arrest instead of issuing a written summons if ~~all~~ any of the following exist:

11 (a) The officer has reasonable grounds to believe that the person will not  
12 appear upon summons.

13 (b) The officer has ~~no~~ reasonable grounds to believe that the person will  
14 cause injury to himself or another or damage to property or will continue in the same  
15 or a similar offense unless immediately arrested and booked.

16 (c) There is ~~no~~ a necessity to book the person to comply with routine  
17 identification procedures.

18 (d) ~~If an officer issues a summons for a felony described in this Paragraph,~~  
19 the The officer issuing the summons has ascertained that the person has ~~no~~ prior  
20 criminal convictions.

1 (2) In any case in which a summons has been issued, a warrant of arrest may  
2 later be issued in its place.

3 B.(1) When a peace officer has reasonable grounds to believe a person has  
4 committed the offense of issuing worthless checks as defined by R.S. 14:71, he may  
5 ~~issue a written summons instead of making an arrest if all~~ make an arrest instead of  
6 issuing a written summons if ~~all~~ any of the following exist:

7 (a) He has reasonable grounds to believe that the person will not appear upon  
8 summons.

9 (b) He has ~~no~~ reasonable grounds to believe that the person will cause injury  
10 to himself or another or damage to property unless immediately arrested.

11 (2) In any case in which a summons has been issued, a warrant of arrest may  
12 later be issued in its place.

13 \* \* \*

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 560 Original 2021 Regular Session Emerson

**Abstract:** Provides for situations where peace officers may issue written summons instead of making custodial arrests.

Present law provides that a peace officer may issue a written summons instead of arresting a person without a warrant for a misdemeanor, or for a felony charge of theft or illegal possession of stolen things when the thing of value is \$500 or more but less than \$1,000 if all of the following exist:

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

Proposed law provides that the peace officer may make an arrest instead of issuing a written summons if any of the following exist:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

- (1) Reasonable grounds to believe that the person will not appear upon summons.
- (2) Reasonable grounds to believe that the person will cause injury to himself or another or damage to property or will continue in the same or a similar offense unless immediately arrested and booked.
- (3) It is a necessity to book the person to comply with routine identification procedures.
- (4) The officer issuing the summons has ascertained that the person has prior criminal convictions.

Present law provides that a peace officer may issue a written summons instead of making an arrest when he has reasonable grounds to believe a person has committed the offense of issuing worthless checks and all of the following exist:

- (1) He has reasonable grounds to believe that the person will appear upon summons.
- (2) He has no reasonable grounds to believe that the person will cause injury to himself or another or damage to property unless immediately arrested.

Proposed law provides that a peace officer may make an arrest instead of issuing a written summons when he has reasonable grounds to believe a person has committed the offense of issuing worthless checks if any of the following exist:

- (1) He has reasonable grounds to believe that the person will not appear upon summons.
- (2) He has reasonable grounds to believe that the person will cause injury to himself or another or damage to property unless immediately arrested.

(Amends C.Cr.P. Art. 211)