
DIGEST

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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:

- (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)