

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

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AN ACT

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

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

A.(1) When it is lawful for a peace officer to arrest 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 five hundred dollars or more but less than one thousand dollars, he may ~~issue a written summons instead of making an arrest~~ make an arrest instead of issuing a written summons if ~~all~~ any of the following exist:

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

(b) 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.

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

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

- (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)