

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 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 211 is hereby amended and reenacted
7 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

16 * * *

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 Reengrossed 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)