

2021 Regular Session

HOUSE BILL NO. 708 (Substitute for House Bill No. 83 by Representative Fontenot)

BY REPRESENTATIVE FONTENOT

BAIL: Provides relative to the posting of bail

1 AN ACT

2 To enact Code of Criminal Procedure Articles 311(8) and (9) and 330.1, relative to bail; to
3 provide definitions; to provide relative to the posting and payment of bail
4 obligations; to provide relative to the transportation of persons in custody; to provide
5 relative to applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Articles 311(8) and (9) and 330.1 are hereby
8 enacted to read as follows:

9 Art. 311. Definitions

10 For the purpose of this Title, the following definitions shall apply:

11 * * *

12 (8) The originating jurisdiction is the jurisdiction where the warrant for the
13 arrest was issued and where the charges are pending.

14 (9) The executing jurisdiction is the jurisdiction where the defendant is
15 arrested and incarcerated on a warrant for arrest.

16 * * *

17 Art. 330.1. Posting bail when arrested outside of originating jurisdiction

18 A. Notwithstanding any provisions of law to the contrary, a person who is
19 arrested and booked in an executing jurisdiction pursuant to a warrant for arrest

1 issued by the originating jurisdiction may be released from custody when bail is
2 posted under the following conditions:

3 (1) The amount of the bail obligation is included on the warrant for arrest.
4 If the warrant for arrest does not include the amount of the bail obligation, the
5 amount may be set within forty-eight hours by anyone in the originating jurisdiction
6 who is authorized to set bail pursuant to Article 314. If a personal surety undertaking
7 is authorized, the personal surety undertaking shall be in accordance with either
8 Article 323 or Article 324.

9 (2) There are no holds, court orders, or other legal impediments that would
10 prohibit the release of the arrested person from custody.

11 (3) The executing jurisdiction does not object. If the executing jurisdiction
12 objects, the originating jurisdiction shall comply with existing provisions of law
13 relative to bail. The originating jurisdiction shall retain the right to transport or to
14 have the person in custody transported to the originating jurisdiction for the purpose
15 of posting bail in the originating jurisdiction.

16 (4) Written notice shall be provided to the executing jurisdiction when bail
17 is posted in the originating jurisdiction and release from custody is authorized. When
18 released, the executing jurisdiction shall provide notice in accordance with Article
19 330 to the arrested person. The originating jurisdiction shall deliver to the executing
20 jurisdiction the information necessary to provide such notice to the arrested person.
21 The notice shall include the date, time, and location of any required court
22 appearances as well as any conditions of bail. Notwithstanding any provisions of
23 law to the contrary, an electronic copy, digital copy, or photocopy of the arrested
24 person's signature on the notice shall be the equivalent of an original signature.

25 B. The provisions of this Article shall not apply to warrants for sex offenses,
26 homicides and crimes resulting in a death or deaths, felony domestic violence
27 offenses, and aggravated offenses.

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 708 Engrossed

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Fontenot

Abstract: Provides relative to the payment of the bail obligation when the arrest occurs in a different jurisdiction from where the bail obligation originated.

Proposed law defines "originating jurisdiction" and "executing jurisdiction".

Proposed law allows a person who is arrested and booked in an executing jurisdiction pursuant to a warrant for arrest issued by the originating jurisdiction to post bail in either the originating or executing jurisdiction.

Proposed law provides the conditions by which proposed law may occur.

Proposed law specifies that proposed law is not applicable to warrants for sex offenses, homicides and crimes resulting in a death or deaths, felony domestic violence offenses, and aggravated offenses.

(Adds C.Cr.P. Arts. 311(8) and (9) and 330.1)