

**GREEN SHEET REDIGEST**

**HB 560**

**2021 Regular Session**

**Emerson**

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

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**DIGEST**

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 is to issue a written summons instead of making an arrest unless one or more of the following conditions 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 two or more prior felony 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 is to issue a written summons instead of making an arrest unless either of the following conditions 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(A)(1) and (B)(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Make it mandatory that an officer issue a summons in lieu of arrest for certain offenses unless one or more conditions exist.
2. Make technical changes.