

2021 Regular Session

HOUSE BILL NO. 560

BY REPRESENTATIVE EMERSON

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 211(A)(1) and (B)(1), relative to
3 arrest; to provide for summons in lieu of arrest for certain offenses; to provide
4 relative to officer discretion to make an arrest under certain circumstances; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 211(A)(1) and (B)(1) are hereby
8 amended and reenacted to read as follows:

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

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

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

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

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

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

4 * * *

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____