

## RÉSUMÉ DIGEST

ACT 197 (HB 303)

2021 Regular Session

Lyons

Existing law provides definitions relative to bail.

Existing law defines constructive surrender and provides that the circumstances under which constructive surrender occurs are as follows:

- (1) A warrant for arrest has been issued for the defendant in the jurisdiction in which the bail obligation is in place.
- (2) The surety has provided proof of the defendant's current incarceration to the court in which the bail obligation is in place, to the prosecuting attorney, and to the officer originally charged with the defendant's detention.

Prior law defined constructive surrender and provided the circumstances under which constructive surrender occurs to also include when the surety had paid to the officer the reasonable costs of returning the defendant to the jurisdiction where the warrant for arrest was issued.

New law changes prior law circumstance by which constructive surrender would occur from when the surety has paid to the officer the reasonable costs of returning the defendant to the jurisdiction where the warrant for arrest was issued to when the surety has paid reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued by one of the following methods:

- (1) Upon proof of the defendant's current incarceration in a foreign jurisdiction to the officer originally charged with the defendant's detention, the officer shall provide the surety with the reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued when the costs are immediately known or can be estimated.
- (2) The surety tenders to the officer originally charged with the defendant's detention the reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued.
- (3) The surety provides proof of payment to the court and to the prosecuting attorney.
- (4) In cases where the reasonable or actual costs of returning the defendant to the jurisdiction where the warrant for arrest was issued are not immediately known, the officer originally charged with the defendant's detention shall accept the surety's tender of reasonable costs as provided in existing law for in-state transfers or for estimated costs for out-of-state transfers.

New law provides relative to the payment of costs.

New law provides for circumstances under which a surety's motion and affidavit for issuance of warrant may be filed and provides for the conditions by which the surety can file a motion to request a warrant.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 311(4)-(7); Adds C.Cr.P. Art. 311(8))