

## RÉSUMÉ DIGEST

ACT 240 (HB 560)

2021 Regular Session

Emerson

Prior law authorized a peace officer to 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 was \$500 or more but less than \$1,000 if all of the following existed:

- (1) The officer had reasonable grounds to believe that the person would appear upon summons.
- (2) The officer had no reasonable grounds to believe that the person would cause injury to himself or another or damage to property or would continue in the same or a similar offense unless immediately arrested and booked.
- (3) There was no necessity to book the person to comply with routine identification procedures.
- (4) If the officer issued a summons for a felony, the officer issuing the summons had ascertained that the person had no prior criminal convictions.

New law requires the peace officer 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.

Prior law authorized a peace officer to issue a written summons instead of making an arrest when he had reasonable grounds to believe a person had committed the offense of issuing worthless checks and all of the following existed:

- (1) He had reasonable grounds to believe that the person would appear upon summons.
- (2) He had no reasonable grounds to believe that the person would cause injury to himself or another or damage to property unless immediately arrested.

New law requires a peace officer 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.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 211(A)(1) and (B)(1))