
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 129 Original

2022 Regular Session

Nelson

Abstract: Removes the provisions associated with an arrested person's failure to honor a written promise to appear.

Present law provides the requirements for an appearance upon arrest.

Present law provides the personal identifying information an arresting officer must obtain whenever any person is arrested for a violation of any provision in present law or any regulation of the department or of the secretary of the Dept. of Public Safety and Corrections.

Present law provides that an arresting officer may release any person arrested holding a Louisiana operator's license from custody or take him immediately before a magistrate provided such person gives his written promise to appear, but should not require such person to deposit his operator's license. Present law requires an arresting officer to immediately take such person refusing to give his written promise to appear before the nearest or most accessible magistrate having jurisdiction.

Present law provides that, in New Orleans, an arresting officer must release any person arrested holding a Louisiana operator's license from custody, but cannot require such person to deposit his operator's license. Present law requires an arresting officer to immediately take such person refusing to give his written promise to appear before the nearest or most accessible magistrate having jurisdiction.

Present law provides that any person who willfully violates his written promise will be punished in accordance with present law. Present law requires an arresting officer fully inform the arrested person of the consequences for a failure to honor a written promise to appear in accordance with present law.

Proposed law retains present law and removes the punishment requirement for any person who willfully violates his written promise to appear in accordance with present law. Additionally, proposed law removes the requirement for an arresting officer to fully inform the arrested person of the consequences for a failure to honor a written promise to appear in accordance with present law.

Proposed law repeals the violations associated with present law when an arrested person fails to honor a written promise to appear and all provisions relative to notice, penalties, and fines for such violation.

(Amends R.S. 32:391(B) and (C); Repeals R.S. 32:57.1)