

2022 Regular Session

HOUSE BILL NO. 492

BY REPRESENTATIVE FONTENOT

CRIMINAL/PROCEDURE: Provides relative to the issuance of a summons by a peace officer

1 AN ACT

2 To enact Code of Criminal Procedure Article 211(A)(1)(e) and (f), (E), and (F), relative to
3 arrest; to provide relative to the issuance of a summons by a peace officer instead of
4 arrest and booking; to require an officer to make an arrest under certain conditions;
5 to provide an exception to the issuance of a summons by an officer instead of arrest
6 and booking for certain domestic violence offenses; to provide relative to causes of
7 action; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 211(A)(1)(e) and (f), (E), and (F) are
10 hereby enacted to read as follows:

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

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

17 * * *

18 (e) The officer has reasonable grounds to believe a person committed a
19 misdemeanor offense and a felony offense.

Proposed law retains present law and further provides that a written summons shall not be issued for the following conditions:

- (1) The officer has reasonable grounds to believe a person committed a misdemeanor offense and a felony offense.
- (2) The officer stops a person for a misdemeanor offense and ascertains that the person has an outstanding warrant for a felony offense.

Proposed law provides that a peace officer shall not issue a written summons when the officer has reasonable grounds to believe a person committed certain domestic violence crimes.

Proposed law further provides that no person shall have a cause of action against any sheriff, his deputies, or employees for the detention of a person in a parish or local jail when a written summons is otherwise authorized.

(Adds C.Cr.P. Art. 211(A)(1)(e) and (f), (E), and (F))