The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 360 Original

2022 Regular Session

<u>Present law</u> provides relative to bail undertaking and provides that upon conviction in any case, the bail undertaking shall end and the surety shall be relieved of all obligation under the bail undertaking. Provides that the court may require the defendant to post another bail undertaking or may release the defendant on bail without security. Provides that with written approval of the surety, the existing bail undertaking may continue.

Present law provides for surrender of the defendant by the surety.

<u>Proposed law</u> retains <u>present law</u> and provides that during the statewide public health emergency due to COVID-19, the officer charged with the defendant's detention may refuse the surrender of the defendant due to the state of emergency. Provides that the officer shall give the defendant and the surety a certificate of refusal and written notice for a new appearance date.

<u>Present law</u> provides that during the COVID-19 public health emergency, the time period for the appearance or surrender of a defendant is interrupted. Provides that the surety's opportunity to resolve a failure to appear is automatically extended for 180 days following the declared end of the state of emergency or from the date proper notice of failure to appear is given to the defendant, surety, whichever is later, without the need to file a court motion.

<u>Proposed law</u> removes provisions of <u>present law</u> that interrupted the time period for the appearance or surrender of a defendant and the automatic extension of time for the surety to resolve a failure to appear.

Depending on the date the defendant failed to appear in court, <u>proposed law</u> sets the date for when the 180 day time period begins to run before a rule to show cause to obtain a judgment of bond forfeiture may be filed.

<u>Present law</u> allows a surety to file a motion in the criminal court of records seeking additional time to surrender a defendant provided specific circumstances related to COVID-19 and pertaining to the defendant in the criminal matter are cited.

<u>Proposed law</u> retains <u>present law</u> and provides that a motion seeking <u>present law</u> relief shall be filed prior to or at the hearing on a rule to show cause to obtain a judgement of bond forfeiture. Provides if the court grants an additional time to surrender the defendant the rule to show cause shall be continued until after the expiration of the extension of time.

Effective August 1, 2022.

Foil

(Amends C.Cr.P. Art. 331(I), (J), and (K); adds C.Cr.P. Art. 331(C)(3) and (L))