
DIGEST

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HB 492 Engrossed

2022 Regular Session

Fontenot

Abstract: Provides relative to the issuance of a summons by a peace officer instead of arresting a person.

Present law requires 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 is \$500 or more but less than \$1,000, unless one or more of the following conditions exist:

- (1) The officer has reasonable grounds to believe that the person will not appear upon summons.
- (2) The officer has 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 similar offense unless immediately arrested and booked.
- (3) There is a necessity to book the person to comply with routine identification procedures.
- (4) The officer has ascertained that the person has two or more prior felony convictions.

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 arising from the same 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, including but not limited to domestic abuse battery, battery of a dating partner, and stalking.

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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Relative to the proposed law exception for when a written summons shall not be issued, provide that the misdemeanor offense and felony offense arise from the same offense.
2. Add the present law crime of battery of a dating partner to the proposed law exception to the issuance of a summons by an officer.