

2022 Regular Session

HOUSE BILL NO. 871

BY REPRESENTATIVES MARCELLE, CORMIER, LARVADAIN, AND SELDERS

MTR VEHICLE/DRIVER LIC: Provides relative to a failure to honor a written promise to appear

1 AN ACT

2 To amend and reenact R.S. 32:57.1(A) and (B) and to enact R.S. 32:57.1(D), relative to a
3 failure to honor a written promise to appear; to provide for the authorization of a
4 judge to notify the Department of Public Safety and Corrections of a failure to
5 appear; to provide for reinstatement fees or fines relative to an arrested person's
6 failure to honor a written promise to appear; to waive reinstatement fees or fines
7 under certain circumstances; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:57.1(A) and (B) are hereby amended and reenacted and R.S.
10 32:57.1(D) is hereby enacted to read as follows:

11 §57.1. Failure to honor written promise to appear; penalty; disposition of fines

12 A. Whenever an arrested person who was released on his written promise to
13 appear before a magistrate at the place and time specified in a summons described
14 in R.S. 32:391(B) fails to honor his written promise to appear, the magistrate or
15 judge of the court exercising jurisdiction may ~~immediately~~ forward to the
16 Department of Public Safety and Corrections notice of the failure to appear after
17 sixty days, with information necessary for identification of the arrested person.

18 Thereupon, unless the original charges have been disposed of, the Department of
19 Public Safety and Corrections shall immediately notify the arrested person of

1 suspension of his operator's license and the imposition of a fifty-dollar fee, regardless
2 of the disposition of the original charge. The Department of Public Safety and
3 Corrections likewise shall inform the arrested person that his operator's license
4 cannot be renewed or reissued until the forwarding court exercising jurisdiction
5 certifies that he had honored the appearance promise or paid an appropriate fine for
6 the offense as determined by the forwarding court exercising jurisdiction.

7 B. Whenever the arrested person makes an appearance as required by
8 Subsection A ~~hereof~~ of this Section or pays an appropriate fine for the offense
9 committed, as determined by the court, the prosecuting authority shall immediately
10 notify the Department of Public Safety and Corrections ~~thereof~~ of such appearance
11 or payment of a fine. Upon such notification and payment of an additional fifty
12 dollars to the department, the operator's license of the arrested person shall be
13 renewed or reissued for the purpose of this Section. Twelve dollars and fifty cents
14 of the additional fine imposed by this Section shall be paid to the court exercising
15 jurisdiction, to be deposited in that court's criminal court fund and to be used in the
16 same manner as the other sums deposited in said fund.

17 * * *

18 D. Anyone who resolves a suspension for a failure to honor a written
19 promise to appear pursuant to Subsections A and B of this Section with the court
20 exercising jurisdiction and provides proof to the Department of Public Safety and
21 Corrections that the matter has been disposed of shall not be required to pay any
22 previously imposed reinstatement fees or fines provided for in this Section.

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 871 Reengrossed

2022 Regular Session

Marcelle

Abstract: Authorizes a judge to forward a failure to appear after 60 days to the Dept. of Public Safety and Corrections and waives reinstatement fees and fines upon resolution of a suspension for a failure to honor a written promise to appear.

Present law authorizes the magistrate or judge of the court exercising jurisdiction to immediately forward a notice of the failure to appear to the Dept. of Public Safety and Corrections (DPS&C) with information necessary for identification of the arrested person whenever an arrested person released on his written promise to appear before a magistrate as specified in a summons fails to appear.

Proposed law changes the time period authorizing a magistrate or judge to forward the notice of the failure to appear from immediately upon the failure to appear to after 60 days has lapsed from the failure to appear.

Present law requires the DPS&C to immediately notify the arrested person of the suspension of his operator's license and impose a \$50 fee, regardless of the disposition of the original charge. Present law requires the DPS&C to inform the arrested person that his operator's license cannot be renewed or reissued until the forwarding court exercising jurisdiction certifies he honored the appearance or paid an appropriate fine for the offense as determined by the forwarding court exercising jurisdiction.

Present law requires the prosecuting authority to immediately notify the DPS&C whenever the arrested person makes an appearance as required by present law or pays the appropriate fine for the offense committed. Present law requires the operator's license of the arrested person to be renewed or reissued upon notification and payment of an additional \$50 to the department.

Proposed law waives the payment of any previously imposed reinstatement fees or fines provided in present law for anyone who resolves a previous suspension for a failure to honor a written promise to appear under the provisions of present law with the court exercising jurisdiction and provides corresponding proof to the DPS&C.

(Amends R.S. 32:57.1(A) and (B); Adds R.S. 32:57.1(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make a technical change.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change the time period authorizing a magistrate or judge to forward the notice of the failure to appear from immediately after the failure to appear to after 60 days has lapsed from the failure to appear.