

2022 Regular Session

HOUSE BILL NO. 492

BY REPRESENTATIVE FONTENOT

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

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

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

15 * * *

16 (e) The officer has reasonable grounds to believe a person committed a
17 misdemeanor offense and a felony offense arising from the same incident.

18 (f) The officer stops a person for a misdemeanor offense and ascertains that
19 the person has an outstanding warrant for a felony offense.

20 * * *

1 E. Notwithstanding any other provision of law to the contrary, no person
2 shall have a cause of action against any sheriff, his deputies, or employees for the
3 detention of a person in a parish or local jail when a written summons is otherwise
4 authorized pursuant to the provisions of this Article.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____