

**ACT No. 436**

2022 Regular Session

HOUSE BILL NO. 129

BY REPRESENTATIVES NELSON AND HUGHES

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) and (E), relative  
3 to failure to honor a written promise to appear; to provide relative to notification to  
4 the arrested person by the Department of Public Safety and Corrections; to provide  
5 relative to the suspension of an operator's license of an arrested person; to provide  
6 relative to the payment of fines; to provide relative to payment for suspension when  
7 incarcerated; 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) and (E) are 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, with  
17 information necessary for identification of the arrested person. Thereupon, unless  
18 the original charges have been disposed of, the Department of Public Safety and  
19 Corrections shall immediately notify the arrested person ~~of suspension of his~~  
20 ~~operator's license and the imposition of a fifty-dollar fee, regardless of the~~  
21 ~~disposition of the original charge. The Department of Public Safety and Corrections~~  
22 likewise shall inform the arrested person by regular mail and any available electronic

1 communication that his operator's license ~~cannot be renewed or reissued until the~~  
 2 ~~forwarding court exercising jurisdiction certifies that he had honored the appearance~~  
 3 ~~promise or paid an appropriate fine for the offense as determined by the forwarding~~  
 4 ~~court exercising jurisdiction~~ may be suspended if he fails to honor the written  
 5 promise to appear or pay an appropriate fine for the offense within one hundred  
 6 eighty days after the date the notice was received. The Department of Public Safety  
 7 and Corrections shall send a second notice to the arrested person by regular mail and  
 8 any available electronic communication no later than one hundred twenty days after  
 9 the department receives notice from the court exercising jurisdiction of the pending  
 10 suspension of the operator's license of the arrested person.

11 B. Whenever the arrested person makes an appearance as required by  
 12 Subsection A ~~hereof~~ of this Section or pays an appropriate fine for the offense  
 13 committed, as determined by the court, the prosecuting authority shall immediately  
 14 notify the Department of Public Safety and Corrections thereof through the same  
 15 means as the original notification of the arrested person's failure to appear. Upon  
 16 such notification, and payment of ~~an additional fifty~~ one hundred dollars to the  
 17 department, if the operator's license of the arrested person was suspended pursuant  
 18 to Subsection A of this Section, the operator's license of the arrested person shall be  
 19 released from the pending suspension, renewed, or reissued for the purpose of this  
 20 Section. This fee may only be assessed once per summons as described in  
 21 Subsection A of this Section. Twelve dollars and fifty cents of ~~the additional~~ any  
 22 fine imposed by this Section shall be paid to the court exercising jurisdiction, to be  
 23 deposited in that court's criminal court fund and to be used in the same manner as the  
 24 other sums deposited in said fund.

25 \* \* \*

26 D. The failure to appear due to incarceration shall be a valid defense for any  
 27 violation of this Section, if the arrested person provides evidence of incarceration to  
 28 the court pursuant to R.S. 15:714. The license shall be renewed and reissued without  
 29 payment, all failure to appear payments waived, and any other flags reported to the  
 30 Department of Public Safety and Corrections shall be resolved pursuant to statute.

1                   E. All notices from the Department of Public Safety and Corrections  
2                   described in Subsections A and B of this Section shall include the following  
3                   information: the summons information that the person failed to appear on; the date  
4                   of the failure to appear; and the contact information and name of the court where the  
5                   person needs to appear.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_