

2024 Regular Session

HOUSE BILL NO. 497

BY REPRESENTATIVE FONTENOT

BAIL: Provides relative to constructive surrender

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 311(4)(c), relative to constructive  
3 surrender; to provide for the payment of certain costs; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 311(4)(c) is hereby amended and  
7 reenacted to read as follows:

8 Art. 311. Definitions

9 For the purpose of this Title, the following definitions shall apply:

10 \* \* \*

11 (4) A constructive surrender is the detention of the defendant in another  
12 parish of the state of Louisiana or a foreign jurisdiction under the following  
13 circumstances:

14 \* \* \*

15 (c) The surety ~~has paid~~ agrees to pay reasonable or actual costs of returning  
16 the defendant to the jurisdiction where the warrant for arrest was issued ~~by one of the~~  
17 ~~following methods:~~

18 (i) ~~Upon presentation of proof of the defendant's current incarceration in a~~  
19 ~~foreign jurisdiction to the officer originally charged with the defendant's detention,~~  
20 ~~the officer shall provide the surety with the reasonable or actual costs of returning~~  
21 ~~the defendant to the jurisdiction where the warrant for arrest was issued when the~~  
22 ~~costs are immediately known or can be estimated.~~

