ACT No. 222

HOUSE BILL NO. 497

BY REPRESENTATIVE FONTENOT

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: .If the surety fails to pay a set amount of the reasonable or actual
18	costs, the recovery shall be through a summary proceeding against both the principal
19	and the surety, as provided in Code of Civil Procedure Article 2592(4).
20	(i) Upon presentation of proof of the defendant's current incarceration in a
21	foreign jurisdiction to the officer originally charged with the defendant's detention,
22	the officer shall provide the surety with the reasonable or actual costs of returning

HB NO. 497 **ENROLLED** 1 the defendant to the jurisdiction where the warrant for arrest was issued when the 2 costs are immediately known or can be estimated. 3 (ii) The surety tenders to the officer originally charged with the defendant's 4 detention the reasonable or actual costs of returning the defendant to the jurisdiction 5 where the warrant for arrest was issued. 6 (iii) The surety provides proof of payment to the court and to the prosecuting 7 attorney. 8 (iv)(aa) In cases where the reasonable or actual costs of returning the 9 defendant to the jurisdiction where the warrant for arrest was issued are not 10 immediately known, the officer originally charged with the defendant's detention 11 shall accept the surety's tender of reasonable costs as provided in R.S. 13:5535 for 12 in-state transfers or for estimated costs for out-of-state transfers. 13 (bb) The surety shall provide proof of payment to the court and the 14 prosecuting attorney. 15 (cc) If the actual costs of returning the defendant to the jurisdiction where 16 the warrant for arrest was issued are more than the estimated costs tendered by the 17 surety, the officer originally charged with the defendant's detention may file a rule 18 to show cause with the court to recover the difference. 19 SPEAKER OF THE HOUSE OF REPRESENTATIVES

OF EMILE OF THE HOUSE OF REFRESEIVITY ES
PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: