

2026 Regular Session

HOUSE BILL NO. 772

BY REPRESENTATIVE MARTINEZ

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 329(A), 331(A)(1), 333, 335,
3 and 336(A)(3) and R.S. 15:574.15(A)(1) and to repeal Code of Criminal Procedure
4 Article 334, relative to bail; to provide relative to declaration of residence; to provide
5 relative to notice of warrant for arrest; to provide relative to the failure of a defendant
6 to appear; to provide relative to rule to show cause; to provide for technical revisions
7 to remove defunct or incorrect cross-references; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 329(A), 331(A)(1), 333, 335, and
10 336(A) are hereby amended and reenacted to read as follows:

11 Art. 329. Declaration of ~~residence~~ address for service; waiver of notice

12 A.(1) The placement of a valid mailing address and electronic mail address
13 pursuant to this Article is required in order for a party to receive the notice provided
14 in accordance with Article 333. A bond forfeiture judgment shall not be denied or
15 set aside because of the invalidity of the information provided by the defendant,
16 personal surety, commercial surety, or agent or bondsman as required by this Article
17 or for the failure to include the information required by this Article.

18 (2) The A defendant ~~and personal surety signing~~ who signs a bail
19 undertaking shall ~~write~~ provide the address ~~at which each~~ where he can be served
20 and ~~mailing address~~, if different, provide his mailing address ~~under their respective~~
21 ~~signatures and~~ along with the last four digits of ~~their~~ his social security number. The

1 defendant and his counsel may, with the court's approval, by joint affidavit filed of
 2 record in the matter in which the bail undertaking was given, appoint his counsel as
 3 his agent to whom notice to appear can be sent. The appointment shall be
 4 conclusively presumed to continue until the defendant, with court approval, files of
 5 record an affidavit revoking or changing the appointment. The affidavit shall include
 6 the address to which notice to appear can be sent.

7 (3) A personal surety who signs a bail undertaking shall write the address
 8 where he can be served and, if different, provide his mailing address and the last four
 9 digits of his social security number.

10 (4) A commercial surety shall place its ~~proper~~ valid mailing address and
 11 electronic mail address on the face of the power of attorney used to execute the bail
 12 undertaking and on the appearance bond.

13 (5) The agent or bondsman posting the bail undertaking shall place his
 14 proper mailing address ~~under his signature~~ on the appearance bond.

15 (6) A bond forfeiture judgment shall not be denied or set aside because of
 16 the invalidity of the information required by this Article or for the failure to include
 17 the information required by ~~the provisions of~~ this Article.

18 * * *

19 Art. 331. Discharge of bail obligation

20 A.(1) Upon conviction in any case, the bail undertaking shall cease and the
 21 surety shall be relieved of all obligations under the bail undertaking by operation of
 22 law without the need to file a motion or other pleading. The provisions of this
 23 Subparagraph shall not prejudice the state's right to obtain a judgment of bond
 24 forfeiture after the elapse of one hundred eighty days following the execution of the
 25 certificate that notice of warrant for arrest was sent pursuant to Article ~~334~~ 333.

26 * * *

27 Art. 333. Failure to appear; ~~issuance of arrest warrant~~ notice and issuance of warrant
 28 for arrest; effect on surety

29 A. ~~If When,~~ at the time fixed for any appearance as required by the court, the
 30 defendant, who was properly noticed, fails to appear as required by the court, the

1 court shall, on its own motion or on motion of the prosecuting attorney, immediately
 2 issue a warrant for the arrest of the defendant. The clerk of court shall send a notice
 3 of the warrant for arrest to the prosecuting attorney. The notice of the warrant for
 4 arrest shall also be sent by United States mail or electronic means to the defendant
 5 and the personal surety, if any. The notice of the warrant for arrest shall be delivered
 6 to the bail agent and the commercial surety through electronic means, or certified
 7 mail, return receipt requested, within sixty days of the defendant's failure to appear.

8 B. Notice of a bench warrant shall be sent to the addresses provided pursuant
 9 to Article 329. The notice to the commercial surety and the bail agent shall include
 10 the power of attorney number used to execute the bail undertaking. Failure to
 11 include the power of attorney number shall not affect the validity or enforcement of
 12 a resulting judgment. After sending the notice of warrant for arrest, the clerk of court
 13 shall execute a certificate that notice was sent and shall place the certificate and
 14 either the proof of certified mailing or confirmation of electronic service in the
 15 record.

16 C. Failure to send notice of the bench warrant to the commercial surety and
 17 the bail agent within sixty days of the defendant's failure to appear shall release the
 18 surety of all obligations under the bail undertaking.

19 * * *

20 Art. 335. Rule to show cause; bond forfeiture

21 A. If the defendant fails to make an appearance and has not been surrendered
 22 or constructively surrendered within one hundred eighty days of the execution of the
 23 certificate that notice of warrant for arrest was sent, the prosecuting attorney may file
 24 a rule to show cause requesting that a bond forfeiture judgment be rendered.

25 B. The rule to show cause shall be mailed to the defendant, ~~and~~ served on all
 26 other parties against whom a judgment is sought. ~~The rule to show cause, and~~ shall
 27 be set for a contradictory hearing.

28 C. The time period for filing a rule to show cause to obtain a judgment of
 29 bond forfeiture shall be within five years after the notice of warrant for arrest is sent.

1 D. For warrants issued prior to August 1, 2024, the rule to show cause
 2 requesting a bond forfeiture shall be filed no later than August 1, 2028. The state's
 3 right to file a rule to show cause to obtain a judgement of bond forfeiture is
 4 perempted if the rule to show cause is filed after August 1, 2028, and the surety shall
 5 be released of all obligations with respect to the bail undertaking.

6 E. The five-year time period established by this Article is preemptive and is
 7 the exclusive prescriptive and preemptive period applicable to the filing of a rule to
 8 show cause to obtain a judgment of bond forfeiture. Upon the expiration of the
 9 five-year period, the right to file a rule to show cause to obtain a judgment of bond
 10 forfeiture is extinguished, and no court shall render a judgment of bond forfeiture on
 11 a rule to show cause filed after the expiration of the five-year time period. The
 12 general prescriptive periods provided in the Civil Code and any other general
 13 prescriptive or preemptive periods do not apply to the filing of a rule to show cause.

14 Art. 336. Proof necessary at bond forfeiture hearing

15 A. The court at a contradictory hearing shall forfeit the bail undertaking and
 16 sign a judgment of bond forfeiture upon proof of all of the following:

17 * * *

18 (3) Notice to the defendant and the surety as required by Article ~~334~~ 333.

19 * * *

20 Section 2. R.S. 15:574.15(A)(1) is hereby amended and reenacted to read as follows:

21 §574.15. Power of elected state, parochial, or municipal officials to parole persons
 22 arrested for violation of municipal ordinances

23 A.(1) Every elected officer of the state or any parish or municipality in the
 24 state shall have the power to parole a person who is under arrest and detention for the
 25 violation of any criminal or quasi criminal ordinance, not enumerated in Paragraph
 26 (2) of this Subsection, of any municipality in any parish, within the territorial
 27 jurisdiction of the state or parish elected officer, and within the municipality wherein
 28 the municipal officer exercises his jurisdiction, whenever any municipality has a
 29 population of more than three hundred thousand persons, based on the latest federal
 30 decennial census. Nothing in this Subsection shall prohibit or impede judges

