Regular Session, 2013

HOUSE BILL NO. 266

BY REPRESENTATIVE THIERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUDGMENTS/CRIMINAL: Provides procedures for use of electronic mail to send notice of bond forfeiture

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Article 349.3(A), relative to notice of
3	bond forfeiture; to authorize the use of electronic mail to send the notice of judgment
4	of bond forfeiture; to require the agreement of all parties to use electronic mail to
5	provide such notice; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Code of Criminal Procedure Article 349.3(A) is hereby amended and
8	reenacted to read as follows:
9	Art. 349.3. Notice of judgment
10	A.(1) After entering the fact of the signing of the judgment of bond forfeiture
11	in the court minutes, the clerk of court shall promptly mail notice of the signing of
12	the judgment of bond forfeiture. The notice of the signing of the judgment shall be
13	mailed by United States certified mail with return receipt affixed thereto or by
14	electronic mail as provided for in Subparagraph (2) of this Paragraph. The notice
15	shall be mailed to the defendant, the personal surety, the agent, or bondsman who
16	posted the bond for the commercial surety, and the commercial surety at the
17	addresses designated in Article 322, or an address registered with the Louisiana
18	Department of Insurance. Notice to the commercial surety shall include the power
19	of attorney number used to execute the bond without which the bond obligation of
20	the commercial surety shall be suspended until the power of attorney number is

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	supplied, provided the commercial surety provides notice to the clerk of court who
2	mailed the notice to the surety of the failure to include such number in the notice by
3	certified mail not later than thirty days following receipt of notice of the judgment.
4	If the power of attorney number is not provided to the commercial surety within
5	thirty days after the date of receipt by the clerk of court of the notice that it was not
6	included in the notice of the judgment, the commercial surety shall be released from
7	the bond obligation.
8	(2) The clerk of court may use electronic mail to provide notice to the parties
9	provided for in Subparagraph (1) of this Paragraph. The clerk shall only use
10	electronic mail if the defendant, the personal surety, the agent, or the bondsman have
11	agreed to receive notice by electronic mail, and the clerk is in possession of a valid
12	electronic mail address provided by the defendant, the personal surety, the agent, or
13	the bondsman. The clerk shall otherwise follow the procedures provided for in
14	Subparagraph (1) of this Paragraph.
15	(2)(3) The defendant shall reimburse the clerk of court for postage and other
16	costs incurred by the clerk to send the notice required in Paragraph A of this Article
17	Paragraph.
18	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Thierry

HB No. 266

Abstract: Authorizes the use of e-mail to provide notice of judgment of bond forfeiture.

<u>Present law</u> requires, after entering the signing of the judgment of bond forfeiture in the court minutes, the clerk of court to promptly mail notice of the signing of the judgment of bond forfeiture. Requires the notice of the signing of the judgment to be mailed by U.S. certified mail.

<u>Proposed law</u> retains the provisions of <u>present law</u> and further provides that the clerk of court may use e-mail to provide notice to the parties.

<u>Proposed law</u> further provides that the clerk shall only use e-mail if the defendant, the personal surety, the agent, or the bondsman have agreed to receive notice by e-mail and the

clerk is in possession of a valid e-mail address provided by the defendant, the personal surety, the agent, or the bondsman.

(Amends C.Cr.P. Art. 349.3(A))