
DIGEST

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Lopinto

HB No. 418

Abstract: Provides a time period for failure to timely satisfy a judgment of bond forfeiture.

Present law provides for the issuance of bail bonds and for the satisfaction of the bail obligation upon the surrender of the defendant or the appearance of the defendant in court.

Present law specifies a 180-day period within which to file a motion to set aside the judgment of bond forfeiture.

Present law further provides that a judgment decreeing the forfeiture of an appearance bond shall not be rendered if it is shown to the satisfaction of the court that the defendant, principal in the bond, is prevented from attending court because of specific circumstances provided for in present law.

Proposed law provides that for bonds that have a face value under \$50,000, a judgment forfeiting the appearance bond shall be satisfied after the expiration of 190 days after the date of the mailing of the notice of the signing of the judgment of bond forfeiture.

Proposed law provides that for bonds with a face value of \$50,000, or more, a judgment forfeiting the appearance bond shall be satisfied after the expiration of 280 days after the date of the mailing of the notice of the signing of the judgment of bond forfeiture.

Proposed law recognizes two methods of satisfaction of bond forfeiture which exist in present law (C.Cr.P. Art. 349.8 and 349.9) and adds an additional method for the satisfaction of bond forfeiture. Proposed law provides that the bond forfeiture shall be satisfied by payment in full amount of the judgment of bond forfeiture into the registry of the court and the simultaneous institution of proceedings to determine the validity of the judgment of bond forfeiture.

(Adds C.Cr.P. Art. 349.10)