

Regular Session, 2010

HOUSE BILL NO. 107

BY REPRESENTATIVES LOPINTO AND BROSSETT

CRIMINAL/PROCEDURE: Provides with respect to the arrest or release of persons with outstanding warrants

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 211.5, relative to persons with
3 outstanding warrants for misdemeanor offenses; to provide that a law enforcement
4 officer may either arrest or release an individual for an outstanding warrant on
5 certain misdemeanor offenses; to provide for exceptions; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 211.5 is hereby amended and
9 reenacted to read as follows:

10 Art. 211.5. Persons with outstanding warrant; ~~summons by peace officer in lieu of~~
11 arrest or release of person

12 A. Notwithstanding the provisions of Article 203, or any other provision of
13 law to the contrary, when a peace officer stops a person who has an outstanding
14 warrant or an attachment for failing to comply with a summons to appear in court on
15 a misdemeanor offense, including a traffic offense, the officer in his discretion, may
16 ~~issue a summons based on such warrant or attachment in lieu of making an arrest~~
17 release the person or arrest the person pursuant to the provisions of Article 207.

18 ~~B. Any summons issued pursuant to this Article shall be in writing, issued~~
19 ~~and signed by a magistrate or a peace officer in the name of the state, stating the~~
20 ~~offense charged and the name of the alleged offender, and commanding him to~~
21 ~~appear before the court designated in the summons at the time and place stated in the~~
22 ~~summons and to show proof that the obligation of the outstanding warrant has been~~

1 fulfilled. ~~A duplicate original of the summons shall be forwarded by the peace~~
2 ~~officer or a designee of the officer's employing agency to the court that issued the~~
3 ~~initial warrant within seventy-two hours, excluding weekends, of the issuance of the~~
4 ~~summons.~~

5 ~~€ B.~~ The provisions of this Article shall not apply ~~to any of the following~~
6 ~~circumstances:~~

7 ~~(1) When~~ when the information available to the officer indicates that the
8 warrant or attachment was issued for any of the following offenses:

9 ~~(a)~~(1) Any offense involving the operation of a vehicle while intoxicated.

10 ~~(b)~~(2) Any offense involving the use or possession of a weapon.

11 ~~(c)~~(3) Any offense involving the use of force or violence, except the crime
12 of simple battery unless the warrant or attachment indicates that the battery was
13 prosecuted as a domestic abuse battery as defined in R.S. 14:35.3.

14 ~~(2) When the information available to the officer indicates that the warrant~~
15 ~~or attachment was issued for the failure of a defendant to appear for trial on the~~
16 ~~merits, for violation of probation or parole, or for default in payment of a fine or~~
17 ~~costs:~~

18 ~~(3) When the information available to the officer indicates that the defendant~~
19 ~~has already received the benefit of the provisions of this Article and that he has failed~~
20 ~~to appear in court or has failed to satisfy the obligations of the previous warrant and~~
21 ~~summons.~~

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)]

Lopinto

HB No. 107

Abstract: Provides that officers, in their discretion, may either arrest or release an individual for outstanding warrants on certain misdemeanor offenses.

Present law provides that when a peace officer stops a person who has an outstanding warrant or an attachment for failing to comply with a summons to appear in court on a misdemeanor offense, including a traffic offense, the officer may issue a summons based on such warrant or attachment in lieu of making an arrest.

Proposed law changes present law to provide that when a peace officer stops a person who has an outstanding warrant or an attachment for failing to comply with a summons to appear in court on a misdemeanor offense, including a traffic offense, the officer in his discretion, may arrest or release the person.

Proposed law provides that proposed law shall not apply when the warrant or attachment was issued for any of the following offenses:

- (1) Any offense involving the operation of a vehicle while intoxicated.
- (2) Any offense involving the use or possession of a weapon.
- (3) Any offense involving the use of force or violence, except the crime of simple battery unless the warrant or attachment indicates that the battery was prosecuted as a domestic abuse battery.

(Amends C.Cr.P. Art. 211.5)