

Regular Session, 2010
HOUSE BILL NO. 107
BY REPRESENTATIVES LOPINTO AND BROSSETT

ACT No. 910

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 211.5(A) and (C) and to enact
3 Code of Criminal Procedure Article 211.5(D), relative to persons with outstanding
4 warrants for misdemeanor offenses; to provide that a law enforcement officer may
5 either arrest or release an individual for an outstanding warrant on certain offenses;
6 to provide for exceptions; to provide for the collection of past due court costs, fines,
7 or fees; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 211.5(A) and (C) are hereby amended
10 and reenacted and Code of Criminal Procedure Article 211.5(D) is hereby enacted to read
11 as follows:

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

14 A. Notwithstanding the provisions of Article 203, or any other provision of
15 law to the contrary, when a peace officer stops a person who has an outstanding
16 warrant or an attachment for failing to comply with a summons to appear in court on
17 a misdemeanor offense, including a traffic offense, the officer in his discretion, may
18 issue a summons based on such warrant or attachment in lieu of making an arrest if
19 the warrant or attachment is issued in the jurisdiction where the detention occurs, or
20 release the person or arrest the person pursuant to the provisions of Article 207, if
21 the warrant or attachment was issued outside the jurisdiction where the detention
22 occurs.

23 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 C. The provisions of this Article shall not apply to any of the following
2 circumstances:

3 (1) When the information available to the officer indicates that the warrant
4 or attachment was issued for any of the following offenses:

5 (a) Any offense involving the operation of a vehicle while intoxicated.

6 (b) Any offense involving the use or possession of a weapon.

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

10 (d) Any offense or bench warrant issued involving the failure to pay a legal
11 child support obligation.

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

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

20 (2) When the offender has an outstanding felony warrant.

21 D. In addition to any other legal remedies provided by law, any officer of the
22 court may seek the collection of past due court costs, fines, or fees associated with
23 the judicial system from state or federal tax refunds by sending notice to the federal
24 secretary of the treasury or to the state treasurer that a person owes past due court
25 costs, fines, or fees associated with the judicial system. The officer of the court shall
26 comply with all rules and regulations imposed by the federal secretary of the treasury

1 or the state treasurer including payment of any fee assessed by the secretary of the
2 treasury or the state treasurer for the cost of applying the offset procedure.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____