Regular Session, 2014

HOUSE BILL NO. 362

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Provides relative to notice of judgment of bond forfeiture

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Article 349.3(C), relative to notice of
3	judgment of bond forfeiture; to provide relative to failure to mail notice of the
4	signing of judgment after the defendant fails to appear; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Code of Criminal Procedure Article 349.3(C) is hereby amended and
8	reenacted to read as follows:
9	Art. 349.3. Notice of judgment
10	* * *
10 11	* * * C. Failure to mail notice of the signing of the judgment within sixty days
11	C. Failure to mail notice of the signing of the judgment within sixty days
11 12	C. Failure to mail notice of the signing of the judgment within sixty days after the defendant fails <u>defendant's initial failure</u> to appear shall release the sureties
11 12 13	C. Failure to mail notice of the signing of the judgment within sixty days after the defendant fails <u>defendant's initial failure</u> to appear shall release the sureties of all obligations under the bond.
11 12 13 14	 C. Failure to mail notice of the signing of the judgment within sixty days after the defendant fails defendant's initial failure to appear shall release the sureties of all obligations under the bond. Section 2. This Act shall become effective upon signature by the governor or, if not
 11 12 13 14 15 	 C. Failure to mail notice of the signing of the judgment within sixty days after the defendant fails <u>defendant's initial failure</u> to appear shall release the sureties of all obligations under the bond. Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

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

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. 362

Abstract: Provides for the release of sureties of obligations under the bond for failure to mail the notice of a judgment within 60 days after the defendant's initial failure to appear.

<u>Present law</u> provides that after entering the fact of the signing of the judgment of bond forfeiture in the court minutes, the clerk of court shall promptly mail notice of the signing of the judgment of bond forfeiture to the defendant, the personal surety, the agent, or bondsman who posted the bond for the commercial surety, and the commercial surety.

<u>Present law</u> provides that failure to mail notice of the signing of the judgment within 60 days after the defendant fails to appear shall release the sureties of all obligations under the bond.

<u>Proposed law</u> changes <u>present law</u> to provide that failure to mail notice of the signing of the judgment within 60 days after the defendant's initial failure to appear shall release the sureties of all obligations under the bond.

Effective upon signature of governor or lapse of time for gubernatorial action.

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