SLS 12RS-635 ORIGINAL

Regular Session, 2012

SENATE BILL NO. 291

BY SENATOR MURRAY

CRIMINAL PROCEDURE. Provides relative to bond forfeiture and enforcement of judgments. (gov sig)

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Art. 349.7(A)(3), relative to bail; to
3	provide for enforcement and satisfaction of judgments of bond forfeiture; and to
4	provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Criminal Procedure Art. 349.7(A)(3) is hereby amended and
7	reenacted to read as follows:
8	Art. 349.7. Enforcement of judgment
9	A. * * *
10	(3) If, after the expiration of one hundred ninety days after the date of mailing
11	the notice of the signing of the judgment of bond forfeiture for bonds that have a face
12	value under fifty thousand dollars, or after the expiration of two hundred eighty days
13	for bonds that have a face value of fifty thousand dollars or more, a judgment of
14	bond forfeiture against a commercial surety company has not been suspensively
15	appealed or satisfied, or if proceedings, other than a devolutive appeal challenging
16	the bond forfeiture have not been timely filed, the prosecuting attorney may either
17	file a rule to show cause with the commissioner of insurance in accordance with R.S.

22:1441 or collect the judgment in the same manner as a civil judgment.

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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 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

## **DIGEST**

<u>Present law</u> provides that if, after the expiration of 190 days after the date of mailing the notice of the signing of the judgment of bond forfeiture for bonds that have a face value under \$50,000, or after the expiration of 280 days for bonds that have a face value of \$50,000 or more, a judgment of bond forfeiture against a commercial surety company has not been suspensively appealed or satisfied, or if proceedings, other than a devolutive appeal challenging the bond forfeiture have not been timely filed, the prosecuting attorney may either file a rule to show cause with the commissioner of insurance in accordance with <u>present law</u> or collect the judgment in the same manner as a civil judgment.

<u>Proposed law</u> provides that if, after the expiration of 190 days after the date of mailing the notice of the signing of the judgment of bond forfeiture for bonds that have a face value under \$50,000, or after the expiration of 280 days for bonds that have a face value of \$50,000 or more, a judgment of bond forfeiture against a commercial surety company has not been suspensively appealed or satisfied, or if proceedings, other than a devolutive appeal challenging the bond forfeiture have not been timely filed, the prosecuting attorney may file a rule to show cause with the commissioner of insurance in accordance with present law.

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

(Amends C.Cr.P. Art. 349.7(A)(3))