

2017 Regular Session

HOUSE BILL NO. 61

BY REPRESENTATIVE FOIL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides for the issuance of summons for misdemeanors or for certain felony charges

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 211(A)(1)(introductory paragraph) and (d) and 497, relative to the issuance of summons; to require the issuance of a summons in lieu of arrest for a misdemeanor or for a felony charge of theft or illegal possession of stolen things with a certain threshold value; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 211(A)(1)(introductory paragraph) and (d) and 497 are hereby amended and reenacted to read as follows:

Art. 211. Summons by officer instead of arrest and booking

A.(1) When it is lawful for a peace officer to arrest a person without a warrant for a misdemeanor, or for a felony charge of theft or illegal possession of stolen things when the thing of value is five hundred dollars or more but less than one thousand dollars, he ~~may~~ shall issue a written summons instead of making an arrest if all of the following exist:

* * *

(d) ~~If an officer issues a summons for a felony described in this Paragraph,~~
The officer issuing the summons has ascertained that the person has no prior criminal convictions.

* * *

1 Art. 497. Summons in misdemeanor cases

2 If an offense charged by indictment or information is a misdemeanor, the
3 court ~~may~~ shall issue a summons, instead of a warrant of arrest, if unless it has
4 reasonable ~~ground~~ grounds to believe that the person will not appear in response to
5 a summons. If the court issues a summons, it may later issue a warrant of arrest in
6 place of the 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)]

HB 61 Original

2017 Regular Session

Foil

Abstract: Requires the issuance of a summons in lieu of arrest for misdemeanors or for a felony charge of theft or illegal possession of stolen things with a certain threshold value.

Present law authorizes an officer to issue a written summons instead of making an arrest for misdemeanors or certain felony charges of theft and illegal possession of stolen things if all of the following exist:

- (1) The officer has reasonable grounds to believe the person will appear upon summons.
- (2) The officer has no reasonable grounds to believe the person will cause injury to himself or another, damage property, or will continue in the same or similar offense unless immediately arrested and booked.
- (3) There is no necessity to book the person to comply with routine identification procedures.
- (4) For a felony charge of theft or illegal possession of stolen things, the officer ascertained that the person has no prior criminal convictions.

Proposed law requires the issuance of written summons in lieu of arrest for a misdemeanor or for certain felony theft charges and otherwise retains present law.

Present law authorizes the court to issue a summons, instead of an arrest warrant, for a misdemeanor offense charged by indictment or information if it has reasonable ground to believe that person will appear in response to a summons.

Proposed law requires the court to issue a summons in lieu of an arrest warrant, unless it has reasonable grounds to believe the person will not appear in response to the summons.

(Amends C.Cr.P. Arts. 211(A)(1)(intro. para.) and (d) and 497)