

2017 Regular Session

HOUSE BILL NO. 219

BY REPRESENTATIVE LEOPOLD

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

BAIL: Provides relative to the discharge of bail obligations

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 331(A)(1) and (2) and to repeal
3 Code of Criminal Procedure Article 331(A)(3), relative to bail; to provide relative
4 to the discharge of bail obligations; to provide that the bail undertaking ceases and
5 the surety is relieved of bail obligations upon conviction in any case; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 331(A)(1) and (2) are hereby
9 amended and reenacted to read as follows:

10 Art. 331. Discharge of bail obligation

11 A.(1) Upon conviction ~~and imposition of sentence or the pronouncement of~~
12 ~~sentence or condition of probation pursuant to Article 894 in misdemeanor cases~~ in
13 any case, the bail undertaking shall cease and the surety shall be relieved of all
14 obligations under the bail undertaking.

15 (2) ~~Upon conviction in any felony case, the bail undertaking shall cease and~~
16 ~~the surety shall be relieved of all obligations under the bail undertaking.~~

17 (3) In all cases, if necessary to assure the presence of the defendant at all
18 future stages of the proceedings, the court may in its discretion, in accordance with
19 Article 312 require the defendant to post another bail undertaking or other acceptable
20 security, or may release the defendant on bail without surety as provided for in

1 Article 325. The court may continue the existing bail undertaking with the written
2 approval of the surety on the bail undertaking. Such approval must be obtained from
3 the surety after conviction.

4 * * *

5 Section 2. Code of Criminal Procedure Article 331(A)(3) is hereby repealed in its
6 entirety.

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 219 Engrossed

2017 Regular Session

Leopold

Abstract: Provides that the bail undertaking ceases and the surety is relieved of all bail obligations upon conviction in any case.

Present law provides that a bail undertaking ceases and a surety is relieved of all obligations upon conviction and imposition of a sentence or the pronouncement of a sentence or condition of probation of a defendant in misdemeanor cases. Present law further provides that the bail undertaking ceases and the surety is relieved of all obligations upon conviction in felony cases.

Proposed law amends present law to provide that a surety's bail obligation is relieved upon conviction in any case.

(Amends C.Cr.P. Art. 331(A)(1) and (2); Repeals C.Cr.P. Art. 331(A)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide that a surety's bail obligation is relieved upon conviction in any case.
2. Remove proposed law provision authorizing a surety to provide a copy of the certificate of surrender after a rule to show cause is filed by a prosecuting attorney for a bond forfeiture judgment.