

RÉSUMÉ DIGEST

ACT 267 (HB 421)

2020 Regular Session

Brown

Existing law regulates the practice of the issuance of bail bonds by bail bond producers and bail enforcement by bail enforcement agents.

New law defines bail enforcement as the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted and a bail enforcement agent as a licensed bail agent who engages in bail enforcement.

New law provides that the time period for the appearance or surrender of a defendant is interrupted during the gubernatorially-declared public health emergency due to COVID-19.

New law further provides that the surety's opportunity to resolve a failure to appear be extended by 180 days following the end of the state of emergency or from the date of notice of failure to appear, whichever is later.

New law authorizes a surety to request additional time to surrender a defendant by filing a motion citing specific circumstances related to COVID-19 and pertaining to the defendant.

Existing law requires bail bond producers to obtain 12 hours of continuing education in approved bail underwriting instruction.

New law adds a requirement that at least six of the hours be dedicated to matters related to bail enforcement as defined in new law.

New law requires any bail enforcement agent who carries a concealed firearm to be subject to the concealed handgun permit requirements provided in existing law, R.S. 40:1379.3.

New law provides that any person or entity that violates new law is subject to the penalties provided for in existing law, R.S. 40:1379.3.

New law further requires the person or entity to forfeit and surrender to the commissioner of insurance the person's or entity's license to transact insurance business in this state upon finality of the conviction and precludes the person or entity from obtaining any license to transact insurance business in this state for a period of three years.

New law makes technical changes.

Effective Aug. 1, 2020.

(Amends C.Cr.P Art. 331(I) and R.S. 22:1573(F); Adds C.Cr.P Art. 311(6) and (7), 331(J) and (K), and R.S. 22:1587)