

CONFERENCE COMMITTEE REPORT

SB 396

2022 Regular Session

Morris

June 3, 2022

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 396 by Senator Morris, recommend the following concerning the Engrossed bill:

1. That the House Committee Amendments Nos. 1, 2, and 3 proposed by the House Committee on Administration of Criminal Justice and adopted by the House of Representatives on May 16, 2022, be rejected.
2. That the following amendments to the Engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 12, after "undertaking" delete the remainder of the line and insert the following:

"by operation of law without the need to file a motion or other pleading. The provisions of this Subparagraph shall not prejudice the state's right to obtain a judgment of bond forfeiture after the elapse of one hundred eighty days following the execution of the certificate that notice of warrant for arrest was sent pursuant to Code of Criminal Procedure Article 334."

AMENDMENT NO. 2

On page 1, delete lines 13 and 14

Respectfully submitted,

Senators:

Representatives:

Senator Franklin J. Foil

Representative Tony Bacala

Senator Beth Mizell

Representative Joseph A. Marino, III

Senator John C. "Jay" Morris III

Representative Debbie Villio

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

CRIMINAL PROCEDURE. Provides relative to a surety's bail obligation after the issuance of a notice of warrant of arrest. (8/1/22)

Report rejects House amendments which would have:

1. Clarified that the discharge of the bail obligation for a surety ceases upon conviction in any case, at any time prior to the defendant's failure to appear under operation of law.

Report amends the bill to:

1. Provide that proposed law does not prejudice the prosecutor's ability to obtain a judgment of bond forfeiture after 180 days following execution of the certificate that notice of warrant for arrest sent pursuant to present law without the need to file a motion or other pleading.
2. Clarify that discharge of the bail obligation under present law is by operation of law without the need of a motion.

Digest of the bill as proposed by the Conference Committee

Present law provides that, upon conviction, a surety's obligation for a bail undertaking is relieved.

Proposed law provides that proposed law does not prejudice the state's right to obtain a judgment of bond forfeiture under present law by operation of law without the need to file a motion or other pleading.

Proposed law otherwise retains present law.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 331(A)(1))