

**ACT No. 240**

2021 Regular Session

HOUSE BILL NO. 560

BY REPRESENTATIVE EMERSON

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AN ACT

To amend and reenact Code of Criminal Procedure Article 211(A)(1) and (B)(1), relative to arrest; to provide for summons in lieu of arrest for certain offenses; to provide relative to officer discretion to make an arrest under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 211(A)(1) and (B)(1) 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~~ unless one or more of the following conditions exist:

- (a) The officer has reasonable grounds to believe that the person will not appear upon summons.
- (b) The officer has ~~no~~ reasonable grounds to believe that the person will cause injury to himself or another or damage to property or will continue in the same or a similar offense unless immediately arrested and booked.
- (c) There is ~~no~~ a necessity to book the person to comply with routine identification procedures.

