

RÉSUMÉ DIGEST

ACT 140 (HB 100)

2025 Regular Session

Lyons

Existing law (R.S. 15:1302) provides for definitions relative to the interception of communications.

New law retains existing law.

New law defines the term "bail enforcement agent".

Existing law (R.S. 15:1313) provides for the prohibited use of pen registers and trap and trace devices.

New law retains existing law and adds cellular tracking devices.

Prior law (R.S. 15:1313(A)) provided that no person was authorized to install or use a pen register or a trap and trace device without first obtaining a court order under existing law (R.S. 15:1315).

New law amends prior law to change the prohibition from permissive to mandatory and prohibit the conduct of installing or using a pen register, trap and trace device, or a cellular tracking device in an unauthorized manner or for any purpose not related to an ongoing law enforcement investigation pursuant to the applicable court order obtained under existing law (R.S. 15:1315 or 1318).

Existing law (R.S. 15:1313(B)) provides for exceptions to the prohibition provided in existing law (R.S. 15:1313(A)).

New law retains existing law and adds cellular tracking devices.

Prior law (R.S. 15:1313(C)) provided that whoever intentionally violated existing law (R.S. 15:1313(A)) would be fined not more than \$5,000, imprisoned not more than one year, or both.

New law amends prior law to provide that the term of imprisonment shall be either with or without hard labor.

New law further provides that a bail enforcement agent who intentionally violates existing law (R.S. 15:1313(A)(2)) shall be punished as follows:

- (1) Upon a first conviction, the agent shall be fined not more than \$2,500 and his bail bond producer license shall be suspended for a period of six months.
- (2) Upon a second or subsequent conviction, the bail bond producer license of the agent shall be permanently revoked.

Existing law (R.S. 15:1318) provides for the issuance of an order for a cellular tracking device.

New law retains existing law.

Existing law (R.S. 15:1318(E)) provides for directives contained within the order of the court that authorizes or approves the use of a cellular tracking device.

New law retains existing law and provides that if the approved applicant is a bail enforcement agent, the applicant shall enter into the court record all information that is collected and obtained from the investigation pursuant to the applicable court order.

Existing law (R.S. 15:1318(H)) provides for individuals who are considered "investigative or law enforcement officers" for the purposes of existing law.

New law retains existing law and adds bail enforcement agents when both of the following have occurred relative to the defendant who is the subject of the order:

- (1) A bail undertaking with a commercial surety is in place for the defendant.
- (2) A bench warrant has been issued for the defendant's failure to appear.

Existing law (C.Cr.P. Art. 311) provides for definitions relative to bail.

New law retains existing law.

Existing law (C.Cr.P. Art. 311(5)) provides that a surety's motion and affidavit for issuance of warrant may be filed when the defendant is found incarcerated in a foreign jurisdiction and a warrant has not been issued by the court or in which the bail obligation is in place.

New law amends existing law to add that a surety's motion and affidavit for issuance of warrant may be filed when the defendant is found incarcerated in another parish of the state of La.

New law provides that the La. State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions provided in existing law (R.S. 15:1302).

Effective August 1, 2025.

(Amends heading of Part III of Ch. 10 of Title 15, R.S. 15:1313(Section heading), (A), (B)(intro. para.), and (C) and 1318(H)(intro. para.), and C.Cr.P. Art. 311(5)(intro. para.); Adds R.S. 15:1302(21) and 1318(E)(3) and (H)(6))