

2026 Regular Session

HOUSE BILL NO. 772

BY REPRESENTATIVE MARTINEZ

BAIL: Provides relative to notice for warrant of arrest

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 329(A), 331(A)(1), 333, 335,
3 and 336(A)(3) and R.S. 15:574.15(A)(1), to enact Code of Criminal Procedure
4 Article 329(F), and to repeal Code of Criminal Procedure Article 334, relative to
5 bail; to provide relative to declaration of residence; to provide relative to notice of
6 warrant for arrest; to provide relative to the failure of a defendant to appear; to
7 provide relative to rule to show cause; to provide for technical revisions to remove
8 defunct or incorrect cross-references; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Articles 329(A), 331(A)(1), 333, 335, and
11 336(A)(3) are hereby amended and reenacted and Code of Criminal Procedure Article
12 329(F) is hereby enacted to read as follows:

13 Art. 329. Declaration of residence; waiver of notice

14 A.(1) ~~The A~~ defendant ~~and personal surety signing~~ who signs a bail
15 undertaking shall write the address ~~at which each~~ where he can be served and
16 ~~mailing address~~, if different, provide his mailing address under ~~their~~ his respective
17 ~~signatures~~ signature and the last four digits of ~~their~~ his social security number. The
18 defendant and his counsel may, with the court's approval, by joint affidavit filed of
19 record in the matter in which the bail undertaking was given, appoint his counsel as
20 his agent to whom notice to appear can be sent. The appointment shall be

1 conclusively presumed to continue until the defendant, with court approval, files of
2 record an affidavit revoking or changing the appointment. The affidavit shall include
3 the address to which notice to appear can be sent.

4 (2) A personal surety who signs a bail undertaking shall write the address
5 where he can be served and, if different, provide his mailing address under his
6 respective signature and the last four digits of his social security number.

7 (3) A commercial surety shall place its proper mailing address and electronic
8 mail address on the face of the power of attorney used to execute the bail
9 undertaking.

10 (4) The agent or bondsman posting the bail undertaking shall place his
11 proper mailing address and electronic mail address under his signature.

12 (5) A bond forfeiture judgment shall not be denied or set aside because of
13 the invalidity of the information required by this Article or for the failure to include
14 the information required by ~~the provisions~~ of this Article.

15 * * *

16 F. The placement of a proper mailing address and electronic mail address
17 pursuant to this Article is required in order for a party to receive the notice provided
18 in Article 333.

19 * * *

20 Art. 331. Discharge of bail obligation

21 A.(1) Upon conviction in any case, the bail undertaking shall cease and the
22 surety shall be relieved of all obligations under the bail undertaking by operation of
23 law without the need to file a motion or other pleading. The provisions of this
24 Subparagraph shall not prejudice the state's right to obtain a judgment of bond
25 forfeiture after the elapse of one hundred eighty days following the execution of the
26 certificate that notice of warrant for arrest was sent pursuant to Article ~~334~~ 333.

27 * * *

1 prosecuting attorney shall not be awarded any court costs or attorney fees for filing
2 a rule to show cause.

3 B. The rule to show cause shall be mailed to the defendant, ~~and~~ served on all
4 other parties against whom a judgment is sought. ~~The rule to show cause, and~~ shall
5 be set for a contradictory hearing.

6 C. The time period for filing a rule to show cause to obtain a judgment of
7 bond forfeiture shall be within five years after the notice of warrant for arrest is sent.

8 Art. 336. Proof necessary at bond forfeiture hearing

9 A. The court at a contradictory hearing shall forfeit the bail undertaking and
10 sign a judgment of bond forfeiture upon proof of all of the following:

11 * * *

12 (3) Notice to the defendant and the surety as required by Article ~~334~~ 333.

13 * * *

14 Section 2. R.S. 15:574.15(A)(1) is hereby amended and reenacted to read as follows:

15 §574.15. Power of elected state, parochial, or municipal officials to parole persons
16 arrested for violation of municipal ordinances

17 A.(1) Every elected officer of the state or any parish or municipality in the
18 state shall have the power to parole a person who is under arrest and detention for the
19 violation of any criminal or quasi criminal ordinance, not enumerated in Paragraph
20 (2) of this Subsection, of any municipality in any parish, within the territorial
21 jurisdiction of the state or parish elected officer, and within the municipality wherein
22 the municipal officer exercises his jurisdiction, whenever any municipality has a
23 population of more than three hundred thousand persons, based on the latest federal
24 decennial census. Nothing in this Subsection shall prohibit or impede judges
25 exercising criminal jurisdiction in district, municipal, or traffic court to fix bail as
26 guaranteed and authorized by Louisiana Constitution Article I, Section 18 and Code
27 of Criminal Procedure Article ~~333~~ 314.

28 * * *

29 Section 3. Code of Criminal Procedure Article 334 is hereby repealed in its entirety.

1 Section 4. The legislature hereby declares that the five-year time period provided
2 in Act 221 of the 2024 Regular Session of the Legislature is applicable to any rule to show
3 cause that is filed on or after August 1, 2024, and is not based on warrants for arrest that are
4 issued on or after August 1, 2024.

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 772 Engrossed

2026 Regular Session

Martinez

Abstract: Provides relative to notice for warrant of arrest.

Present law (C.Cr.P. Art. 329) provides for the declaration of residence for the purpose of sending the defendant and certain entities a notice of the defendant's obligation to appear before the court.

Proposed law generally retains present law and restructures the provisions of present law.

Proposed law requires the agent or bondsman who posts the bail undertaking to also place an electronic mail address along with his proper mailing address under his signature.

Proposed law requires the placement of a proper mailing address and electronic mail address pursuant to present law in order for a party to receive the notice provided in present law (C.Cr.P. Art. 333).

Present law (C.Cr.P. Art. 333) provides for the failure of a defendant to appear and the issuance of an arrest warrant for such failure.

Proposed law retains present law.

Proposed law adds the provisions of present law (C.Cr.P. Art. 334), relative to notice of warrant for arrest, to the provisions of present law (C.Cr.P. Art. 333) with the following changes:

- (1) Removes the condition that the court or prosecuting attorney has to make a motion in order for an arrest warrant to be immediately issued for the defendant.
- (2) Requires the court to issue an attachment and requires delivery of the notice of attachment to the agent and the surety through electronic means or certified mail within 30 days of the defendant's failure to appear.
- (3) Adds an agent or bondsman as an individual who is required to be notified of a warrant for arrest and provides for the manner of sending such notice.
- (4) Provides that failure to send notice in order to release the surety of all obligations under the bail undertaking is within 60 days of the issuance of the warrant for arrest.
- (5) Restructures the provisions of present law.

Present law (C.Cr.P. Art. 335) provides for a rule to show cause to obtain a judgment of bond forfeiture.

Proposed law retains present law.

Proposed law restructures the provisions of present law and prohibits the prosecuting attorney from being awarded any court costs or attorney fees for filing a rule to show cause.

Present law (C.Cr.P. Art. 334) provides for notice of warrant for arrest.

Proposed law repeals present law.

Proposed law further amends provisions of the C.Cr.P. and Title 15 of the La. R.S. of 1950 to remove any cross-references to repealed law.

Proposed law provides for a statement of legislative intent relative to Act 221 of the 2024 R.S. of the Legislature.

(Amends C.Cr.P. Arts. 329(A), 331(A)(1), 333, 335, and 336(A)(3) and R.S. 15:574.15(A)(1); Adds C.Cr.P. Art. 329(F); Repeals C.Cr.P. Art. 334)