

2026 Regular Session

SENATE BILL NO. 321

BY SENATOR KLEINPETER

CRIMINAL PROCEDURE. Provides relative to electronic bonds. (gov sig)

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 328(C) and R.S. 22:822(A), relative to electronic bonds; to provide for certain conditions on the use of electronic bonds; to provide for requirements on electronic bonds; to provide for a parish registry of electronic bond agents; to provide for procedures for the issuance of electronic bonds; to provide for types of payment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 328(C) is hereby amended and reenacted to read as follows:

Art. 328. Bail undertaking

* * *

C.(1) An electronic bond ~~may~~ **shall only** be executed in a parish where the sheriff has electronic bond software in place. ~~Agents~~ **Only agents** ~~may be~~ approved by the sheriff ~~to~~ **shall** execute an electronic bond. A licensed bail bond producer applying for electronic bond authority ~~may~~ **shall** make an application to the sheriff and shall be domiciled and maintain a principal place of business in this state and possess a Louisiana bail bond producer license for at least three years preceding the

1 date of application.

2 (2) The approving sheriff authority may require any documents deemed
3 necessary to verify the information contained in the application and may establish
4 additional requirements for approval of electronic bond authority within the
5 parish, including but not limited to geographic limitations, proof of local
6 domicile or principal place of business within the parish, geofencing
7 parameters, or other requirements that the sheriff deems appropriate for the
8 administration of electronic bonds within the parish.

9 (3) Any parish that elects to implement electronic bonds shall allow both
10 in-person and electronic methods of posting bail bonds.

11 (4)(a) The electronic bond provider shall maintain a registry of agents
12 approved by each participating parish sheriff to execute electronic bonds within
13 that parish.

14 (b) Prior to permitting the execution of any electronic bond, the provider
15 shall verify that the agent seeking to post the bond is listed in the approved
16 agent registry for the parish in which the bond is to be posted. The provider
17 shall deny electronic bond access to any agent who does not appear in the
18 applicable registry.

19 (c) The sheriff shall provide the electronic bond provider with timely
20 notice of any additions to or removals from the approved registry.

21 (5) When an electronic bond is used, all of the following procedures shall
22 be followed:

23 (a) The electronic bond provider shall implement multi-factor
24 authentication for each individual bond posting transaction, which shall include
25 at a minimum both of the following:

26 (i) Facial recognition liveness verification linked to the identity of the
27 approved licensed agent executing the bond.

28 (ii) A secondary authentication factor independent of the agent's account
29 login credentials.

1 **(b) The electronic bond provider shall ensure that the authentication**
2 **required by Subparagraph (a) of this Paragraph is performed personally by the**
3 **approved agent of record at the time of each individual bond posting. The**
4 **provider shall not permit the use of shared login credentials, shared**
5 **authentication devices or factors, or proxy authentication by any person other**
6 **than the approved agent of record.**

7 **(c) The approving sheriff may, as a condition of authorizing electronic**
8 **bond posting within the parish, require the electronic bond provider to**
9 **incorporate a geographic restriction, including a geofence, limiting electronic**
10 **bond posting to a defined geographic area within or proximate to the parish.**

11 **(d) The electronic bond provider shall offer automated clearing house**
12 **(ACH) electronic funds transfer as a method of payment for fees associated with**
13 **the posting of an electronic bond.**

14 Section 2. R.S. 22:822(A) is hereby amended and reenacted to read as follows:

15 §822. Criminal bail bond ~~annual license~~ fee

16 A.**(1)** On premiums for all commercial surety underwriters who write
17 criminal bail bonds in the state of Louisiana, there shall be a fee equal to two dollars
18 for each one hundred dollars worth of liability underwritten by the commercial
19 surety. Except as authorized under the provisions of R.S. 13:718(I)(2), this shall be
20 the exclusive fee or tax on any criminal bail bond premium, including thereto
21 premium taxes owed. In furtherance of the payment of this premium fee all
22 commercial surety underwriters underwriting criminal bail bonds in the state of
23 Louisiana shall, upon submitting the appearance bond and their power of attorney,
24 simultaneously pay to the sheriff of the parish, a fee of two dollars for each one
25 hundred dollars worth of liability on the bail bond being presented for the release of
26 a person on bail. Failure to pay the fee shall prevent the sheriff from accepting the
27 appearance bond and power of attorney. The sheriff may receive the fee by check,
28 **or cash, or automated clearing house (ACH)** and shall ~~only~~ accept it **only** from the
29 surety or the agent of the surety.

the sue of multi-factor authentication.

Proposed law allows a sheriff to require geographic restrictions.

Proposed law authorizes the use of automated clearing house (ACH) electronic funds as a payment method. Further provides that total fees charged to the bond producer by the bond provider may not exceed the actual fees charged for the transaction.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 328(C) and R.S. 22:822(A))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Establish a sheriff may establish additional requirements for approval of electronic bonds in a parish.
2. Require electronic bond providers maintain a registry of approved electronic bond agents in each parish.
3. Establish procedures for the use of electronic bonds.
4. Allow the payment of bonds by automated clearing house (ACH).
5. Provide effective date.
6. Make technical changes.