

2026 Regular Session

HOUSE BILL NO. 772

BY REPRESENTATIVE MARTINEZ

BAIL: Provides relative to notice for warrants 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) and to repeal Code of Criminal Procedure
4 Article 334, relative to bail; to provide relative to declaration of residence; to provide
5 relative to notice of warrant for arrest; to provide relative to the failure of a defendant
6 to appear; to provide relative to rule to show cause; to provide for technical revisions
7 to remove defunct or incorrect cross-references; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 329(A), 331(A)(1), 333, 335, and
10 336(A) are hereby amended and reenacted to read as follows:

11 Art. 329. Declaration of ~~residence~~ address for service; waiver of notice

12 A.(1) The placement of a valid mailing address and electronic mail address
13 pursuant to this Article is required in order for a party to receive the notice provided
14 in accordance with Article 333. A bond forfeiture judgment shall not be denied or
15 set aside because of the invalidity of the information provided by the defendant,
16 personal surety, commercial surety, or agent or bondsman as required by this Article
17 or for the failure to include the information required by this Article.

18 (2) The A defendant ~~and personal surety signing~~ who signs a bail
19 undertaking shall ~~write~~ provide the address ~~at which each~~ where he can be served
20 and ~~mailing address~~, if different, provide his mailing address ~~under their respective~~

1 ~~signatures and~~ along with the last four digits of ~~their~~ his social security number. The
2 defendant and his counsel may, with the court's approval, by joint affidavit filed of
3 record in the matter in which the bail undertaking was given, appoint his counsel as
4 his agent to whom notice to appear can be sent. The appointment shall be
5 conclusively presumed to continue until the defendant, with court approval, files of
6 record an affidavit revoking or changing the appointment. The affidavit shall include
7 the address to which notice to appear can be sent.

8 (3) A personal surety who signs a bail undertaking shall write the address
9 where he can be served and, if different, provide his mailing address and the last four
10 digits of his social security number.

11 (4) A commercial surety shall place its ~~proper~~ valid mailing address and
12 electronic mail address on the face of the power of attorney used to execute the bail
13 undertaking and on the appearance bond.

14 (5) The agent or bondsman posting the bail undertaking shall place his
15 proper mailing address ~~under his signature~~ on the appearance bond.

16 (6) A bond forfeiture judgment shall not be denied or set aside because of
17 the invalidity of the information required by this Article or for the failure to include
18 the information required by ~~the provisions of~~ this Article.

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 violation of any criminal or quasi criminal ordinance, not enumerated in Paragraph
 2 (2) of this Subsection, of any municipality in any parish, within the territorial
 3 jurisdiction of the state or parish elected officer, and within the municipality wherein
 4 the municipal officer exercises his jurisdiction, whenever any municipality has a
 5 population of more than three hundred thousand persons, based on the latest federal
 6 decennial census. Nothing in this Subsection shall prohibit or impede judges
 7 exercising criminal jurisdiction in district, municipal, or traffic court to fix bail as
 8 guaranteed and authorized by Louisiana Constitution Article I, Section 18 and Code
 9 of Criminal Procedure Article ~~333~~ 314.

* * *

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

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 Reengrossed

2026 Regular Session

Martinez

Abstract: Provides relative to notice for warrants 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 placement of a valid mailing address and email address for a party to receive the notice provided in accordance with present law (C.Cr.P. Art. 333).

Proposed law prohibits the denial or setting aside of a bond forfeiture judgment because of the invalidity of the information provided by the defendant, personal surety, commercial surety, or agent or bondsman or for the failure to include the required information.

Proposed law permits a defendant and personal surety to provide his mailing address along with the last the four digits of his social security number, rather than inputting his address underneath his respective signature as required in present law.

Proposed law amends present law relative to commercial sureties to require that the commercial surety's valid mailing address and email address are placed on the appearance bond.

Proposed law requires the agent or bondsman posting the bail undertaking to place his proper mailing address on the appearance bond, rather than place his proper mailing address under his signature as required in present law.

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 a warrant for arrest, to the provisions of present law (C.Cr.P. Art. 333) with the following changes:

- (1) Requires the clerk of court to send a notice of the warrant for arrest to the prosecuting attorney and that the notice of the warrant for arrest also be sent by U.S. mail or electronic means to the defendant and the personal surety, if any.
- (2) Requires that the notice of the warrant for arrest be delivered to the bail agent and the commercial surety through electronic means, or certified mail, return receipt requested, within 60 days of the defendant's failure to appear.
- (3) Requires all notices of warrant for arrest be sent by U.S. mail or electronic means to certain individuals.
- (4) Includes a bail agent as a recipient of the notice of a warrant for arrest that includes the power of attorney number used to execute the bail undertaking.
- (5) Requires the clerk to place in the record either the proof of certified mailing or confirmation of electronic service.
- (6) Provides that the failure to send notice of the bench warrant within 60 days of the defendant's failure to appear releases the surety of all obligations under the bail undertaking.
- (7) 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 provides a deadline of Aug. 1, 2028, to file a rule to show cause for warrants issued prior to Aug. 1, 2024. Further provides that the proposed law deadline is the exclusive prescriptive and peremptive period applicable to the filing of a rule to show cause to obtain a judgment of bond forfeiture.

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.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Within present law (C.Cr.P. Art. 329):

- (a) Require the placement of a valid mailing address and email address for a party to receive the notice provided in accordance with present law (C.Cr.P. Art. 333).
 - (b) Prohibit a bond forfeiture judgment from being denied or set aside because of the invalidity of the information provided by the defendant, personal surety, commercial surety, or agent or bondsman or for the failure to include the required information..
 - (c) Change the word "write" to "provide" relative to the method of supplying an address.
 - (d) Permit a defendant and personal surety to provide his mailing address along with the last the four digits of his social security number, rather than inputting his address underneath his respective signature as required in present law.
 - (e) Change present law relative to commercial sureties to require that the commercial surety's valid mailing address and email address are placed on the appearance bond.
 - (f) Require the agent or bondsman posting the bail undertaking to place his proper mailing address on the appearance bond, rather than place his proper mailing address and email address under his signature as required in present law.
 - (g) Remove proposed law that required the placement of a proper mailing address and email address pursuant to present law (C.Cr.P. Art. 329) for a party to receive the notice provided in present law (C.Cr.P. Art. 333).
2. Within present law (C.Cr.P. Art. 333):
- (a) Remove proposed law relative to a properly notified court appearance and the issuance of an attachment that is to be delivered within 30 days of a defendant's failure to appear.
 - (b) Reinstate present law relative to the motion of the court or motion of the district attorney to issue a warrant for the defendant's arrest.
 - (c) Require the clerk of court to send a notice of the warrant for arrest to the prosecuting attorney.
 - (d) Require that the notice of the warrant for arrest also be sent by U.S. mail or electronic means to the defendant and the personal surety, if any.
 - (e) Require that the notice of the warrant for arrest be delivered to the bail agent and the commercial surety through electronic means, or certified mail, return receipt requested, within 60 days of the defendant's failure to appear.
 - (f) Require all notices of warrant for arrest be sent by U.S. mail or electronic means to the defendant, the bail agent or bondsman, if any, and the personal surety and by electronic means or by certified mail, return receipt requested, to the commercial surety and the agent or bondsman.
 - (g) Add a bail agent as a recipient of the notice of a warrant for arrest that includes the power of attorney number used to execute the bail undertaking.

- (h) Require the clerk to place in the record either the proof of certified mailing or confirmation of electronic service.
 - (i) Modify proposed law to provide that the failure to send notice of the bench warrant within 60 days of the defendant's failure to appear releases the surety of all obligations under the bail undertaking.
3. Remove proposed law that prohibits the prosecuting attorney from being awarded any court costs or attorney fees for filing a rule to show cause.
 4. Provide a deadline of Aug. 1, 2028, to file a rule to show cause for warrants issued prior to Aug. 1, 2024, and provide that this deadline is the exclusive prescriptive and preemptive period applicable to the filing of a rule to show cause to obtain a judgment of bond forfeiture.
 5. Delete a statement of legislative intent relative to Act 221 of the 2024 R.S. of the legislature.
 6. Make technical changes.