

First Extraordinary Session, 2005

HOUSE BILL NO. 29

BY REPRESENTATIVES MARTINY, RICHMOND, AND GALLOT AND SENATOR
MURRAY

CRIMINAL/BAIL: Provides that certain criminal bail bonds are void because of destruction
of records and property by Hurricanes Katrina and Rita (Item #66)

1 AN ACT

2 To enact R.S. 15:87.1, relative to criminal bail; to provide that certain bail bonds in certain
3 parishes are void based upon destruction of property and records by Hurricanes
4 Katrina and Rita; to provide for applicability; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:87.1 is hereby enacted to read as follows:

7 §87.1. Certain bail bonds void due to disaster

8 A. The legislature hereby finds and declares the following:

9 (1) The state of Louisiana was devastated by Hurricanes Katrina and Rita.

10 (2) These hurricanes caused the destruction of personal and real property and
11 resulted in the mandatory evacuation, relocation, and displacement of many
12 residents.

13 (3) In some parishes, courthouses were destroyed or rendered inoperable,
14 evidence was damaged, witnesses and jurors displaced, and defendants relocated.

15 (4) The devastation caused by these hurricanes resulted in the governor
16 declaring a disaster or emergency by executive order or proclamation pursuant to the
17 provisions of the Louisiana Homeland Security and Emergency Assistance and
18 Disaster Act for certain parishes.

1 (5) The devastation caused by these hurricanes have made it impossible for
2 law enforcement officers and sureties to locate defendants.

3 (6) In consideration of these factors, the Louisiana Legislature hereby enacts
4 the provisions of this Section.

5 B. All appearance obligations, whether personal, property, or commercial,
6 written prior to August 28, 2005, by any surety located in or for any courts located
7 in the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany,
8 Tangipahoa, and Washington are null, void, and of no effect.

9 C. All appearance obligations, whether personal, property, or commercial,
10 written prior to September 21, 2005, by any surety located in or for any courts
11 located in the parishes of Calcasieu, Cameron, and Vermilion are null, void, and of
12 no effect.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Martiny

HB No. 29

Abstract: Provides that certain bail obligations are void due to the effects of Hurricanes Katrina and Rita.

Proposed law provides that all appearance obligations, whether personal, property, or commercial, written prior to August 28, 2005, by any surety located in or for any courts located in the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, and Washington are void with full satisfaction to the state.

Proposed law provides further that all appearance obligations, whether personal, property, or commercial, written prior to September 21, 2005, by any surety located in or for any courts located in Calcasieu, Cameron, and Vermilion parishes, are void with full satisfaction to the state.

(Adds R.S. 15:87.1)