

First Extraordinary Session, 2005

SENATE BILL NO. 53

BY SENATORS MURRAY AND CHAISSON

CRIMINAL PROCEDURE. Provides relative to the procedure to set aside criminal bond forfeitures due to the effects of a gubernatorially declared disaster or emergency.

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§87.1. Certain bail bonds void due to disaster

A. The legislature hereby finds and declares the following:

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

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

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

(4) The devastation caused by these hurricanes resulted in the governor

1 **declaring a disaster or emergency by executive order or proclamation pursuant**
2 **to the provisions of the Louisiana Homeland Security and Emergency**
3 **Assistance and Disaster Act for certain parishes.**

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

6 **(6) Considering these factors, the Louisiana Legislature hereby enacts**
7 **the provisions of this Section.**

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

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Tracy Sabina Sudduth.

DIGEST

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)