

Regular Session, 2014

HOUSE BILL NO. 362

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Provides relative to notice of judgment of bond forfeiture

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 349.3(C), relative to notice of
3 judgment of bond forfeiture; to provide relative to failure to mail notice of the
4 signing of judgment after the defendant fails to appear; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 349.3(C) is hereby amended and
8 reenacted to read as follows:

9 Art. 349.3. Notice of judgment

10 * * *

11 C. Failure to mail notice of the signing of the judgment within sixty days
12 after the ~~defendant fails~~ defendant's initial failure to appear shall release the sureties
13 of all obligations under the bond.

14 Section 2. This Act shall become effective upon signature by the governor or, if not
15 signed by the governor, upon expiration of the time for bills to become law without signature
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
18 effective on the day following such approval.

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)]

Lopinto

HB No. 362

Abstract: Provides for the release of sureties of obligations under the bond for failure to mail the notice of a judgment within 60 days after the defendant's initial failure to appear.

Present law provides that after entering the fact of the signing of the judgment of bond forfeiture in the court minutes, the clerk of court shall promptly mail notice of the signing of the judgment of bond forfeiture to the defendant, the personal surety, the agent, or bondsman who posted the bond for the commercial surety, and the commercial surety.

Present law provides that failure to mail notice of the signing of the judgment within 60 days after the defendant fails to appear shall release the sureties of all obligations under the bond.

Proposed law changes present law to provide that failure to mail notice of the signing of the judgment within 60 days after the defendant's initial failure to appear shall release the sureties of all obligations under the bond.

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

(Amends C.Cr.P. Art. 349.3(C))