

Regular Session, 2014

HOUSE BILL NO. 1108

BY REPRESENTATIVE TERRY LANDRY

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 213 and to enact Code of
3 Criminal Procedure Article 202(F), relative to warrants of arrest; to prohibit
4 magistrates from making arrests with or without a warrant for school employees for
5 certain acts committed during the course and scope of employment; to authorize the
6 issuance of a summons in lieu of a warrant for arrest; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 213 is hereby amended and reenacted
10 and Code of Criminal Procedure Article 202(F) is hereby enacted to read as follows:

11 Art. 202. Warrant of arrest; issuance

12 * * *

13 F. Notwithstanding any other provisions of law to the contrary, no magistrate
14 shall have the authority to issue a warrant of arrest for a school employee, as defined
15 by R.S. 17:16(G), for any misdemeanor act allegedly committed on school premises
16 or at a school-sanctioned event during the course and scope of the school employee's
17 employment. In all such instances, a summons shall be issued to the school
18 employee pursuant to Code of Criminal Procedure Article 209.

19 * * *

20 Art. 213. Arrest by officer without warrant; when lawful

21 A. A peace officer may, without a warrant, arrest a person when any of the
22 following occur:

23 (1) The person to be arrested has committed an offense in his presence; and
24 if the arrest is for a misdemeanor, it must be made immediately or on close pursuit.

1 (2) The person to be arrested has committed a felony, although not in the
2 presence of the officer;

3 (3) The peace officer has reasonable cause to believe that the person to be
4 arrested has committed an offense, although not in the presence of the officer;

5 (4) The peace officer has received positive and reliable information that
6 another peace officer from this state holds an arrest warrant, or a peace officer of
7 another state or the United States holds an arrest warrant for a felony offense.

8 B. A peace officer in close pursuit of a person to be arrested, who is making
9 ~~an arrest pursuant to this Article;~~ A peace officer making an arrest pursuant to this
10 Article who is in close pursuit of the person to be arrested may enter another
11 jurisdiction in this state and make the arrest.

12 C. Notwithstanding any other provisions of law to the contrary, no
13 magistrate shall have the authority to issue a warrant of arrest for a school employee,
14 as defined by R.S. 17:16(G), for any misdemeanor act allegedly committed on
15 school premises or at a school-sanctioned event during the course and scope of the
16 school employee's employment. In all such instances, a summons shall be issued to
17 the school employee pursuant to Code of Criminal Procedure Article 209.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____