ACT No. 240

HOUSE BILL NO. 560

BY REPRESENTATIVE EMERSON

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Article 211(A)(1) and (B)(1), relative to
3	arrest; to provide for summons in lieu of arrest for certain offenses; to provide
4	relative to officer discretion to make an arrest under certain circumstances; and to
5	provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Code of Criminal Procedure Article 211(A)(1) and (B)(1) are hereby
8	amended and reenacted to read as follows:
9	Art. 211. Summons by officer instead of arrest and booking
10	A.(1) When it is lawful for a peace officer to arrest a person without a
11	warrant for a misdemeanor, or for a felony charge of theft or illegal possession of
12	stolen things when the thing of value is five hundred dollars or more but less than
13	one thousand dollars, he may shall issue a written summons instead of making an
14	arrest if all unless one or more of the following conditions exist:
15	(a) The officer has reasonable grounds to believe that the person will not
16	appear upon summons.
17	(b) The officer has no reasonable grounds to believe that the person will
18	cause injury to himself or another or damage to property or will continue in the same
19	or a similar offense unless immediately arrested and booked.
20	(c) There is $\frac{1}{100}$ a necessity to book the person to comply with routine
21	identification procedures.

1 (d) If an The officer issues a summons for a felony described in this 2 Paragraph, the officer issuing the summons has ascertained that the person has no 3 two or more prior criminal felony convictions. 4 5 B.(1) When a peace officer has reasonable grounds to believe a person has 6 committed the offense of issuing worthless checks as defined by R.S. 14:71, he may 7 shall issue a written summons instead of making an arrest if all unless either of the 8 following conditions exist: 9 (a) He has reasonable grounds to believe that the person will not appear upon 10 summons. 11 (b) He has no reasonable grounds to believe that the person will cause injury 12 to himself or another or damage to property unless immediately arrested. 13 SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

ENROLLED

HB NO. 560

APPROVED: ___