

2025 Regular Session

HOUSE BILL NO. 100

BY REPRESENTATIVE LYONS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BAIL: Provides relative to bail bond enforcement

1 AN ACT

2 To amend and reenact the heading of Part III of Chapter 10 of Title 15 of the Louisiana
3 Revised Statutes of 1950 and R.S. 15:1313(Section heading), (A), (B)(introductory
4 paragraph), and (C) and 1318(H)(introductory paragraph) and Code of Criminal
5 Procedure Article 311(5)(introductory paragraph) and to enact R.S. 15:1302(21) and
6 1318(E)(3) and (H)(6), relative to bail bond enforcement; to provide for definitions;
7 to provide for penalties; to provide for eligibility to obtain an order for the use of a
8 cellular tracking device; to provide for the reporting of information; and to provide
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The heading of Part III of Chapter 10 of Title 15 of the Louisiana Revised
12 Statutes of 1950 and R.S. 15:1313(Section heading), (A), (B)(introductory paragraph), and
13 (C) and 1318(H)(introductory paragraph) are hereby amended and reenacted and R.S.
14 15:1302(21) and 1318(E)(3) and (H)(6) are hereby enacted to read as follows:

15 §1302. Definitions

16 As used in this Chapter:

17 * * *

18 (21) "Bail enforcement agent" means a licensed bail agent who engages in
19 the apprehension or surrender by a natural person of a principal who is released on
20 bail or who has failed to appear at any stage of the proceedings to answer the charge
21 before the court in which the principal may be prosecuted.

22 * * *

1 PART III. PEN REGISTERS, ~~AND~~ TRAP AND TRACE DEVICES, AND CELLULAR
2 TRACKING DEVICES

3 §1313. Pen registers, ~~and~~ trap and trace devices, and cellular tracking devices; use
4 prohibited

5 A. Except as provided in this Section, no person ~~may~~ shall do any of the
6 following:

7 (1) ~~install~~ Install or use a pen register, ~~or~~ a trap and trace device, ~~or~~ a cellular
8 tracking device without first obtaining a court order under R.S. 15:1315 or 1318 of
9 this Part.

10 (2) Install or use a pen register, trap and trace device, or a cellular tracking
11 device in an unauthorized manner or for any purpose not related to an ongoing law
12 enforcement investigation pursuant to the applicable court order obtained under R.S.
13 15:1315 or 1318 of this Part.

14 B. The prohibition of this Section does not apply with respect to the use of
15 a pen register, ~~or~~ a trap and trace device, or a cellular tracking device by a provider
16 of a wire or electronic communication service:

17 * * *

18 C.(1) Whoever intentionally violates Subsection A of this Section shall be
19 fined not more than five thousand dollars, ~~or~~ imprisoned with or without hard labor
20 for not more than one year, or both.

21 (2) In addition to the penalties provided in Paragraph (1) of this Subsection,
22 a bail enforcement agent who intentionally violates Paragraph (A)(2) of this Section
23 shall be punished as follows:

24 (a) Upon a first conviction, the agent shall be fined not more than two
25 thousand five hundred dollars and his bail bond producer license shall be suspended
26 for a period of six months.

27 (b) Upon a second or subsequent conviction, the bail bond producer license
28 of the agent shall be permanently revoked.

29 * * *

1 §1318. Issuance of an order for a cellular tracking device

2 * * *

3 E. An order authorizing or approving the use of a cellular tracking device
4 shall direct that:

5 * * *

6 (3) If the approved applicant is a bail enforcement agent, the applicant shall
7 enter into the court record all information that is collected and obtained from the
8 investigation pursuant to the applicable court order.

9 * * *

10 H. For the purposes of this ~~Section and R.S. 15:1317~~ Part, "investigative or
11 law enforcement officer" means:

12 * * *

13 (6) A bail enforcement agent when both of the following have occurred
14 relative to the defendant who is the subject of the order:

15 (a) A bail undertaking with a commercial surety is in place for the defendant.

16 (b) A bench warrant has been issued for the defendant's failure to appear.

17 Section 2. Code of Criminal Procedure Article 311(5)(introductory paragraph) is
18 hereby amended and reenacted to read as follows:

19 Art. 311. Definitions

20 For the purpose of this Title, the following definitions shall apply:

21 * * *

22 (5) A surety's motion and affidavit for issuance of warrant may be filed when
23 the defendant is found incarcerated in another parish of the state of Louisiana or a
24 foreign jurisdiction and a warrant has not been issued by the court or in which the
25 bail obligation is in place. In such instances, the surety may file a motion with the
26 court requesting a warrant be issued when the following conditions have been met:

27 * * *

28 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
29 arrange in alphabetical order and renumber the definitions provided in R.S. 15:1302.

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)]

HB 100 Engrossed

2025 Regular Session

Lyons

Abstract: Provides relative to bail bond enforcement.

Present law (R.S. 15:1302) provides for definitions relative to the interception of communications.

Proposed law retains present law.

Proposed law defines the term "bail enforcement agent".

Present law (R.S. 15:1313) provides for the prohibited use of pen registers and trap and trace devices.

Proposed law retains present law and adds cellular tracking devices.

Present law (R.S. 15:1313(A)) provides that no person may install or use a pen register or a trap and trace device without first obtaining a court order under present law (R.S. 15:1315).

Proposed law amends present law to change the prohibition from permissive to mandatory and prohibit the conduct of installing or using a pen register, trap and trace device, or a cellular tracking device in an unauthorized manner or for any purpose not related to an ongoing law enforcement investigation pursuant to the applicable court order obtained under present law (R.S. 15:1315 or 1318).

Present law (R.S. 15:1313(B)) provides for exceptions to the prohibition provided in present law (R.S. 15:1313(A)).

Proposed law retains present law and adds cellular tracking devices.

Present law (R.S. 15:1313(C)) provides that whoever intentionally violates present law (R.S. 15:1313(A)) shall be fined not more than \$5,000, imprisoned not more than one year, or both.

Proposed law amends present law to provide that the term of imprisonment shall be either with or without hard labor.

Proposed law further provides that a bail enforcement agent who intentionally violates present law (R.S. 15:1313(A)(2)) shall be punished as follows:

- (1) Upon a first conviction, the agent shall be fined not more than \$2,500 and his bail bond producer license shall be suspended for a period of six months.
- (2) Upon a second or subsequent conviction, the bail bond producer license of the agent shall be permanently revoked.

Present law (R.S. 15:1318) provides for the issuance of an order for a cellular tracking device.

Proposed law retains present law.

Present law (R.S. 15:1318(E)) provides for directives contained with the order of the court that authorizes or approves the use of a cellular tracking device.

Proposed law retains present law and provides that if the approved applicant is a bail enforcement agent, the applicant shall enter into the court record all information that is collected and obtained from the investigation pursuant to the applicable court order.

Present law (R.S. 15:1318(H)) provides for individuals who are considered "investigative or law enforcement officers" for the purposes of present law.

Proposed law retains present law and adds bail enforcement agents when both of the following have occurred relative to the defendant who is the subject of the order:

- (1) A bail undertaking with a commercial surety is in place for the defendant.
- (2) A bench warrant has been issued for the defendant's failure to appear.

Present law (C.Cr.P. Art. 311) provides for definitions relative to bail.

Proposed law retains present law.

Present law (C.Cr.P. Art. 311(5)) provides that a surety's motion and affidavit for issuance of warrant may be filed when the defendant is found incarcerated in a foreign jurisdiction and a warrant has not been issued by the court or in which the bail obligation is in place.

Proposed law amends present law to add that a surety's motion and affidavit for issuance of warrant may be filed when the defendant is found incarcerated in another parish of the state of La.

Proposed law provides that the La. State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions provided in present law (R.S. 15:1302).

(Amends heading of Part III of Ch. 10 of Title 15, R.S. 15:1313(Section heading), (A), (B)(intro. para.), and (C) and 1318(H)(intro. para.), and C.Cr.P. Art. 311(5)(intro. para.); Adds R.S. 15:1302(21) and 1318(E)(3) and (H)(6))