

2025 Regular Session

ACT No. 140

HOUSE BILL NO. 100

BY REPRESENTATIVE LYONS AND SENATOR BARROW

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§1302. Definitions

As used in this Chapter:

* * *

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

* * *

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

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

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

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

(2) Install or use 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 R.S. 15:1315 or 1318 of this Part.

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

* * *

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

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

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

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

* * *

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

* * *

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

* * *

(3) 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.

* * *

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

* * *

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

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

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

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

Art. 311. Definitions

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

* * *

(5) 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 Louisiana or a foreign jurisdiction and a warrant has not been issued by the court or in which the bail obligation is in place. In such instances, the surety may file a motion with the court requesting a warrant be issued when the following conditions have been met:

* * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____