DIGEST

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Bishop HB No. 272

Abstract: Provides for circumstances in which a peace officer is required to, or is authorized to, issue a written summons in lieu of arrest.

Present law provides for the following with regard to the issuance of a written summons or citation in lieu of arrest:

(1) An officer may issue a written summons in lieu of arrest for a misdemeanor or for a felony charge of theft or illegal possession of stolen things when the thing of value is $300 or more but less than $500.

(2) An officer shall issue a written summons in lieu of arrest when the officer has reasonable grounds to believe a person has committed criminal trespass.

(3) An officer may issue a written summons in lieu of arrest when the officer has reasonable grounds to believe a person has committed the offense of issuing worthless checks.

(4) An officer shall issue a citation or written summons in lieu of arrest when the officer has reasonable grounds to believe a person has committed an offense of littering.

(5) An officer shall issue a written summons in lieu of arrest when the officer has reasonable grounds to believe a person has committed an offense of driving without a valid driver's license in his possession and the officer has made every practical attempt to confirm the person has been issued a valid driver's license which is neither under revocation, suspension, or cancellation.

(6) When a peace officer stops a person who has an outstanding warrant or an attachment for failing to comply with a summons to appear in court on a misdemeanor offense, including a traffic offense, the officer in his discretion, may issue a summons based on such warrant or attachment in lieu of making an arrest if the warrant or attachment is issued in the jurisdiction where the detention occurs. If the warrant or attachment was issued outside the jurisdiction where the detention occurs, the officer may release or arrest the person.

(7) In Orleans Parish, when a peace officer serving a subpoena, summons, or notice to appear in court for certain traffic or nonviolent offenses has reasonable grounds to believe that the conduct of an offender constitutes a direct contempt of court because the offender contumaciously fails to comply with such subpoena, summons, or notice to appear in

court, and proof of service of the subpoena, summons, or notice appears of record, then either the court may order the offender attached and brought to court or the peace officer may issue a written citation or summons to the offender commanding him to appear and answer the direct contempt charge.

Proposed law changes present law to provide that an officer may issue a written summons in lieu of arrest for a misdemeanor or for a felony charge of theft or illegal possession of stolen things when the thing of value is $500 or more but less than $1,000. In all other respects, proposed law retains present law.

(Amends C.Cr.P. Arts. 211, 211.1, and 211.2; Repeals C.Cr.P. Arts. 211.3, 211.4, 211.5, and 211.6)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. For a misdemeanor or felony charge of theft or illegal possession of stolen things when the thing of value is $500 to $1000, changed provision regarding the issuance of a written summons in lieu of arrest from a mandatory requirement to a permissive authorization.