SLS 12RS-602 **ORIGINAL**

Regular Session, 2012

SENATE BILL NO. 319

BY SENATOR MARTINY

CRIMINAL PROCEDURE. Provides relative to the right to notice of time and place of defendant's required appearance. (8/1/12)

AN ACT

To amend and reenact Code of Criminal Procedure Art. 344(C), relative to the right to notice of certain required appearances; to provide with respect to the right to notice of time and place of a defendant's required appearance to the personal surety or the commercial surety; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 344(C) is hereby amended and reenacted to read as follows:

Art. 344. Right to notice of time and place of defendant's required appearance

* * *

C. If the defendant appears as ordered and the proceeding is continued to a specific date, the defendant and the personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety **and who has been given notice pursuant to Paragraph A or B of this Article,** need not be given notice of the new appearance date. If the defendant fails to appear as ordered, or the proceeding is not continued to a specific date, the defendant or his duly appointed



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agent, the personal surety or the agent or bondsman who posted the bond for the commercial surety shall be given notice of the new appearance date.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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DIGEST

Present law provides that when a bail bond fixes an appearance date, the defendant appears as ordered, and notice of the next appearance date is given to the defendant, no additional notice of that appearance date is required to be given to the defendant or the personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety.

Present law provides that when a bail bond does not fix the appearance date, written notice of the time, date, and place the defendant is first ordered by the court to appear shall be given to the defendant or his duly appointed agent and his personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety.

Present law provides that if the defendant appears as ordered and the proceeding is continued to a specific date, the defendant and the personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety need not be given notice of the new appearance date.

Present law provides that if the defendant fails to appear as ordered, or the proceeding is not continued to a specific date, the defendant or his duly appointed agent, the personal surety or the agent or bondsman who posted the bond for the commercial surety shall be given notice of the new appearance date.

Proposed law clarifies present law by requiring that the personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety be given notice of the new appearance date.

Effective August 1, 2012.

(Amends C.Cr.P. Art. 344(C))


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