SENATE SUMMARY OF HOUSE AMENDMENTS

SB 319 By Senator Martiny

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIMINAL PROCEDURE. Provides relative to the right to notice of time and place of defendant's required appearance and to the notice of judgment of bond forfeiture. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds that failure to mail notice of the signing of the judgment of bond forfeiture within 60 days of defendant's initial failure to appear will release the sureties of all obligations under the bond.

2. Changes the effective date to upon signature of the governor or lapse of time for gubernatorial action.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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.

Proposed law clarifies that present law applies in instances where the defendant and surety or agent or bondsman who posted the bond for the surety has been given notice of the initial hearing.

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 retains present law.

Present law provides for the notice of the signing of the judgment of bond forfeiture. Further provides that failure to mail notice of the signing of the judgment within 60 days after the defendant fails to appear shall release the sureties of all obligations under the bond.

Proposed law changes "within 60 days after the defendant fails" to "within 60 days after the defendant's initial failure"

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 344(C) and 349.3(C))

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