

Regular Session, 2012

SENATE BILL NO. 294

BY SENATOR MURRAY

CRIMINAL PROCEDURE. Provides relative to notice of judgment. (gov sig)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 349.3(C), relative to notice of  
3 judgment; to provide relative to failure to mail notice of the signing of judgment  
4 after the defendant fails to appear; to provide for an effective date; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Art. 349.3(C) is hereby amended and  
8 reenacted to read as follows:

9 Art. 349.3. Notice of judgment

10 \* \* \*

11 C. Failure to mail notice of the signing of the judgment within sixty days  
12 after the ~~defendant~~ **defendant's initial failure** fails to appear shall release the  
13 sureties of all obligations under the bond.

14 Section 2. This Act shall become effective upon signature by the governor or, if not  
15 signed by the governor, upon expiration of the time for bills to become law without signature  
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

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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 after entering the fact of the signing of the judgment of bond forfeiture in the court minutes, the clerk of court shall promptly mail notice of the signing of the judgment of bond forfeiture.

Present law provides that the notice of the signing of the judgment shall be mailed by U.S. certified mail with return receipt to the defendant, the personal surety, the agent or bondsman who posted the bond for the commercial surety, and the commercial surety at the addresses designated in present law.

Present law provides that notice to the commercial surety shall include the power of attorney number used to execute the bond without which the bond obligation of the commercial surety shall be suspended until the power of attorney number is supplied, provided the commercial surety provides notice to the clerk of court who mailed the notice to the surety of the failure to include such number in the notice by certified mail not later than 30 days following receipt of notice of the judgment.

Present law provides that if the power of attorney number is not provided to the commercial surety within 30 days after the date of receipt by the clerk of court of the notice that it was not included in the notice of the judgment, the commercial surety shall be released from the bond obligation.

Present law provides that after mailing the notice of the signing of the judgment of bond forfeiture, the clerk of court shall execute an affidavit of the mailing and place the affidavit and the return receipts in the record.

Present law 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 clarifies present law and provides that failure to mail notice of the signing of the judgment within 60 days after the defendant's initial failure to appear shall release the sureties of all obligations under the bond.

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

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