

SENATE BILL NO. 54

BY SENATOR MORRIS AND REPRESENTATIVE ECHOLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 211(A)(1), (B)(1), and (E), relative to summons by officer instead of arrest and booking; to remove the requirement of the issuance of a summons in lieu of arrest for certain offenses; to provide relative to officer discretion to make an arrest under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 211(A)(1), (B)(1), and (E) are hereby amended and reenacted to read as follows:

Art. 211. Summons by officer instead of arrest and booking

A.(1) When it is lawful for a peace officer to arrest a person without a warrant for a misdemeanor, or for a felony charge of theft **as defined by R.S. 14:67** or illegal possession of stolen things ~~when the thing of value is five hundred dollars or more but less than one thousand dollars~~ **as provided in R.S. 14:69(B)(4)**, he shall **may** issue a written summons instead of making an arrest ~~unless one or more~~ **if all** of the following conditions exist:

(a) The officer has reasonable grounds to believe that the person will ~~not~~ appear upon summons.

(b) The officer has **no** reasonable grounds to believe that the person will cause injury to himself or another or damage to property or will continue in the same or a similar offense unless immediately arrested and booked.

(c) There is ~~a~~ **no** necessity to book the person to comply with routine identification procedures.

1 (d) ~~The~~ **If an** officer **issues a summons for a felony described in this**
2 **Paragraph, the officer issuing the summons** has ascertained that the person has
3 ~~two or more~~ **no** prior ~~felony~~ **criminal** convictions.

4 * * *

5 B.(1) When a peace officer has reasonable grounds to believe a person has
6 committed the offense of issuing worthless checks as defined by R.S. 14:71, he ~~shall~~
7 **may** issue a written summons instead of making an arrest ~~unless either~~ **if both** of the
8 following conditions exist:

9 (a) He has reasonable grounds to believe that the person will ~~not~~ appear upon
10 summons.

11 (b) He has **no** reasonable grounds to believe that the person will cause injury
12 to himself or another or damage to property unless immediately arrested.

13 * * *

14 E. ~~The provisions of this Article shall not apply when~~ **When** the officer has
15 reasonable grounds to believe a person committed the offense of domestic abuse
16 battery, battery of a dating partner, violation of a protective order, stalking, or any
17 other offense involving the use or threatened use of force or a deadly weapon upon
18 the defendant's family members, as defined in R.S. 46:2132, upon the defendant's
19 household member, as defined in R.S. 14:35.3, or upon the defendant's dating
20 partner, as defined in R.S. 46:2151, **the officer shall make a custodial arrest.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____