SLS 10RS-1065 REENGROSSED

Regular Session, 2010

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SENATE BILL NO. 642

BY SENATOR MORRELL

CRIMINAL PROCEDURE. Provides relative to bond forfeitures. (8/15/10)

AN ACT

2	To enact Code of Criminal Procedure Art. 334.3(A)(4), relative to bail; to provide for
3	release on bail; to provide for forfeiture or revocation of bail; to provide for
4	procedure; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Criminal Procedure Article 334.3(A)(4) is hereby enacted to read
7	as follows:
8	Art. 334.3. Prohibition on subsequent bail obligation following revocation or
9	forfeiture; certain offenses
10	A. * * *
11	(4) Notwithstanding the provisions of Subparagraphs (2) and (3) of this
12	Paragraph, after a contradictory hearing, any person who voluntarily
13	surrenders following revocation or forfeiture of bail may be released on the
14	forfeited or revoked bail provided the revocation or forfeiture of the bail is
15	rescinded by the court and the surety is present or represented at the hearing
16	and consents. Previous instances of revocation or forfeiture of bail in unrelated
17	cases is admissible at that contradictory hearing. The relief shall be available

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only at the first instance of revocation or forfeiture of that bail and within six

months of the posting of the bail.

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The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

Morrell (SB 642)

<u>Present law</u> provides that notwithstanding any other provision of law to the contrary, no person released on any type of bail or released on the signature of any other person on one or more criminal charges and where bail has been revoked or is subject to forfeiture may be readmitted to bail or released on the signature of any other person on those same charges, if that person did not voluntarily surrender following the revocation or forfeiture.

<u>Present law</u> provides that any person who voluntarily surrenders following revocation or forfeiture of bail may be released only on bail through a commercial surety and in an amount higher than the original bail.

<u>Present law</u> provides that notwithstanding any other provision of law to the contrary, no person who qualifies for bail pursuant to <u>present law</u> may be readmitted to any type of bail if that bail has been revoked or is subject to forfeiture.

<u>Present law</u> defines "voluntarily surrender" as personal appearance without confinement by a law enforcement officer or bail recovery agent.

<u>Present law</u> provides that <u>present law</u> shall only apply to a person charged with a crime of violence as defined by law which carries a minimum mandatory sentence of imprisonment upon conviction or a person charged with the production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance as defined by the La. Controlled Dangerous Substances Law.

<u>Proposed law</u> provides that notwithstanding <u>present law</u>, a court may allow, after a contradictory hearing, any person who voluntarily surrenders following revocation or forfeiture of bail to be released on the forfeited or revoked bail provided the revocation or forfeiture of the bail is rescinded by the court and the surety is present or represented at the hearing and consents.

<u>Proposed law</u> allows that previous instances of revocations or forfeitures of bail in unrelated cases will be admissible at the hearing. Provides that the relief shall be available only at the first instance of revocation or forfeiture of the bail within six months of the forfeiture of the bail.

Effective August 15, 2010.

(Adds C.Cr.P. Art. 334.3(A)(4))

Summary of Amendments Adopted by Senate

<u>Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.</u>

- 1. Makes all previous instances of revocations or forfeitures of bail admissible at the contradictory hearing.
- 2. Requires that the release on the forfeited or revoked bail will only be available for the first revocation or forfeiture and within six months of the posting of the bail.

Senate Floor Amendments to engrossed bill.

1. Legislative Bureau technical amendments.