

SENATE BILL NO. 71

BY SENATORS MARTINY AND GRAY AND REPRESENTATIVE RICHMOND

1 AN ACT

2 To enact the Code of Criminal Procedure Article 211.5, relative to arrest; to provide for the
3 issuance of a summons in certain circumstances; to provide for exceptions; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 211.5 is hereby enacted to read as
7 follows:

8 **Art. 211.5. Persons with outstanding warrant; summons by peace officer in**
9 **lieu of arrest**

10 **A. Notwithstanding any provision of law to the contrary, when a peace**
11 **officer stops a person who has an outstanding warrant or an attachment for**
12 **failing to comply with a summons to appear in court on a misdemeanor offense,**
13 **including a traffic offense, the officer may issue a summons based on such**
14 **warrant or attachment in lieu of making an arrest.**

15 **B. Any summons issued pursuant to this Article shall be in writing,**
16 **issued and signed by a magistrate or a peace officer in the name of the state,**
17 **stating the offense charged and the name of the alleged offender, and**
18 **commanding him to appear before the court designated in the summons at the**
19 **time and place stated in the summons and to show proof that the obligation of**
20 **the outstanding warrant has been fulfilled. A duplicate original of the summons**
21 **shall be forwarded by the peace officer or a designee of the officer's employing**
22 **agency to the court that issued the initial warrant within seventy-two hours,**
23 **excluding weekends, of the issuance of the summons.**

1 **C. The provisions of this Article shall not apply to any of the following**
2 **circumstances:**

3 **(1) When the information available to the officer indicates that the**
4 **warrant or attachment was issued for any of the following offenses:**

5 **(a) Any offense involving the operation of a vehicle while intoxicated.**

6 **(b) Any offense involving the use or possession of a weapon.**

7 **(c) Any offense involving the use of force or violence, except the crime**
8 **of simple battery unless the warrant or attachment indicates that the battery**
9 **was prosecuted as a domestic abuse battery as defined in R.S. 14:35.3.**

10 **(2) When the information available to the officer indicates that the**
11 **warrant or attachment was issued for the failure of a defendant to appear for**
12 **trial on the merits, for violation of probation or parole, or for default in**
13 **payment of a fine or costs.**

14 **(3) When the information available to the officer indicates that the**
15 **defendant has already received the benefit of the provisions of this Article and**
16 **that he has failed to appear in court or has failed to satisfy the obligations of the**
17 **previous warrant and summons.**

18 Section 3. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____