

ACT No. 267

2020 Regular Session

HOUSE BILL NO. 421

BY REPRESENTATIVE BROWN AND SENATOR BARROW

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AN ACT

To amend and reenact R.S. 22:1573(F) and Code of Criminal Procedure Article 331(I) and to enact Code of Criminal Procedure Article 311(6) and (7), 331(J) and (K), and R.S. 22:1587, relative to bail enforcement agents; to provide for discharge of bail obligation; to define bail enforcement and bail enforcement agent; to provide for continuing education requirements; to provide for possession of a firearm by a bail enforcement agent; to establish penalties for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 331(I) is hereby amended and reenacted and Code of Criminal Procedure Article 311(6) and (7) and 331(J) and (K) are hereby enacted to read as follows:

Art. 311. Definitions

For the purpose of this Title, the following definitions shall apply:

* * *

(6) Bail enforcement is the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted.

(7) A bail enforcement agent is a licensed bail agent who engages in the apprehension or surrender by a natural person of a principal who is released on bail or who has failed to appear at any stage of the proceedings to answer the charge before the court in which the principal may be prosecuted.

* * *

1 Art. 331. Discharge of bail obligation

2 * * *

3 I. In all cases and by operation of law, during the period of time declared by
4 the governor to be a statewide public health emergency due to COVID-19, the time
5 period for the appearance or surrender of a defendant is interrupted. The surety's
6 opportunity to resolve a failure to appear by surrendering, constructively
7 surrendering, or otherwise satisfying the bail obligation is automatically extended for
8 one hundred eighty days following the declared end of the state of emergency or
9 from the date of proper notice of a failure to appear to the defendant, surety agent
10 and surety, whichever is later, without need for the filing of any motion.
11 Additionally, a surety may file a motion in the criminal court of records seeking
12 additional time to surrender a defendant citing specific circumstances related to
13 COVID-19 and pertaining to the defendant in the criminal matter.

14 J. In cases which were continued by the court during the time period
15 declared by the governor to be a statewide public health emergency due to
16 COVID-19, it is required that notice of any new date be provided to the defendant
17 or his duly appointed agent and his personal surety or the commercial surety or the
18 agent or bondsman who posted the bail undertaking for the commercial surety in
19 accordance with Code of Criminal Procedure Article 330(D).

20 † K. The court shall order the bail obligation canceled when there is no
21 further liability thereon.

22 Section 2. R.S. 22:1573(F) is hereby amended and reenacted and R.S. 22:1587 is
23 hereby enacted to read as follows:

24 §1573. Continuing education requirements

25 * * *

26 F. For bail bond producers, the continuing education requirement for renewal
27 of license shall be twelve hours of approved bail underwriting instruction. At least
28 six of the hours shall be dedicated to matters related to bail enforcement as defined
29 in Code of Criminal Procedure Article 311.

30 * * *

1 §1587. Possession of a firearm; permit required

2 A. Any bail enforcement agent who carries a concealed firearm is subject to
3 the concealed handgun permit requirements of this state as provided in R.S.
4 40:1379.3.

5 B.(1) Any person or entity that violates the provisions of Subsection A of
6 this Section shall be subject to the penalties provided for in R.S. 40:1379.3.

7 (2)(a) In addition to any imprisonment or fine imposed pursuant to Paragraph
8 (1) of this Subsection, the person or entity shall forfeit and surrender to the
9 commissioner the person's or entity's license to transact insurance business in this
10 state upon finality of the conviction.

11 (b) The person or entity that has forfeited a license pursuant to Subparagraph
12 (a) of this Paragraph shall be precluded for a period of three years thereafter from
13 obtaining any license to transact insurance business in this state.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____