

Regular Session, 2008

HOUSE BILL NO. 114

BY REPRESENTATIVE ELBERT GUILLORY

BONDS/BAIL: Amends bond forfeiture provisions

1 AN ACT

2 To amend and reenact R.S. 15:85(10), relative to bond forfeiture proceedings; to remove
3 procedural distinctions regarding satisfaction of judgment of bond forfeiture for
4 bonds having a face value below fifty thousand dollars and those having a face value
5 of fifty thousand dollars or more; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:85(10) is hereby amended and reenacted to read as follows:

8 §85. Forfeiture; procedure; notice; enforcement; and collection

9 All bonds taken to secure the appearance of any person before any court
10 executed in the state of Louisiana shall be forfeited and collected as follows:

11 * * *

12 (10) Satisfaction of judgment of bond forfeiture. (a) ~~For bonds which have~~
13 ~~a face value under fifty thousand dollars, any~~ Any judgment forfeiting the
14 appearance bond rendered according to this Section shall at any time, within six
15 months, after mailing of the notice of the signing of the judgment of bond forfeiture,
16 be fully satisfied and set aside upon the surrender or the appearance of the defendant.
17 The appearance or surrender of the defendant shall operate as a satisfaction of the
18 judgment, ~~and the surrender shall operate as a satisfaction of the judgment~~ and shall
19 fully and finally relieve the surety of any and all obligations under the bond. Any
20 judgment forfeiting the appearance bond rendered according to this Section shall at

1 any time, within ten days after the expiration of the six-month period provided to
2 surrender the defendant, be fully satisfied by the payment of the amount of the bail
3 obligation without incurring any interest, costs, or fees.

4 ~~(b)(i) For bonds which have a face value of fifty thousand dollars or more,~~
5 ~~any judgment forfeiting the appearance bond rendered according to this Section shall~~
6 ~~at any time within six months after mailing of the notice of the signing of the~~
7 ~~judgment of bond forfeiture be fully satisfied and set aside upon the surrender or the~~
8 ~~appearance of the defendant. The appearance of the defendant shall operate as a~~
9 ~~satisfaction of the judgment and shall fully and finally relieve the surety of any and~~
10 ~~all obligations under the bond. Any judgment forfeiting the appearance bond~~
11 ~~rendered according to this Section shall at any time, within ten days after the~~
12 ~~expiration of the six-month period provided to surrender the defendant, be fully~~
13 ~~satisfied by the payment of the amount of the bail obligation without incurring any~~
14 ~~interest, costs, or fees.~~

15 (ii) Any judgment forfeiting the appearance bond rendered according to this
16 Section shall at any time more than six months but within nine months after mailing
17 of the notice for the signing of the judgment of bond forfeiture be satisfied and set
18 aside upon the surrender or the appearance of the defendant, and the payment in cash
19 of ten percent of the face amount of the bond. The appearance and payment of ten
20 percent in cash of the face amount of the bond shall operate as a satisfaction of the
21 judgment and shall fully and finally relieve the surety of any and all obligations
22 under the bond. Any judgment forfeiting the appearance bond rendered according
23 to this Section shall, at any time within ten days after the expiration of the nine-
24 month period provided to surrender the defendant, be fully satisfied by the payment
25 of the amount of the bail obligation without incurring any interest, costs, or fees.

26 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Elbert Guillory

HB No. 114

Abstract: Deletes provision of law regarding procedure for bond forfeiture having a face value of \$50,000 or more.

Present law provides that for bonds which have a face value under \$50,000, any judgment forfeiting the appearance bond shall at any time, within six months, after mailing of the notice of the signing of the judgment of bond forfeiture, be fully satisfied and set aside upon the surrender or the appearance of the defendant. The appearance of the defendant shall operate as a satisfaction of the judgment, and the surrender shall operate as a satisfaction of the judgment and shall fully and finally relieve the surety of any and all obligations under the bond. Any judgment forfeiting the appearance bond shall at any time, within 10 days after the expiration of the six-month period provided to surrender the defendant, be fully satisfied by the payment of the amount of the bail obligation without incurring any interest, costs, or fees.

Present law provides that any judgment forfeiting the appearance bond shall at any time more than six months but within nine months after mailing of the notice for the signing of the judgment of bond forfeiture be satisfied and set aside upon the surrender or the appearance of the defendant, and the payment in cash of 10% of the face amount of the bond. The appearance and payment of 10% in cash of the face amount of the bond shall operate as a satisfaction of the judgment and shall fully and finally relieve the surety of any and all obligations under the bond. Any judgment forfeiting the appearance bond shall at any time within 10 days after the expiration of the nine-month period provided to surrender the defendant be fully satisfied by the payment of the amount of the bail obligation without incurring any interest, costs, or fees.

Present law further provides that for bonds which have a face value of \$50,000 or more, any judgment forfeiting the appearance bond shall at any time within six months after mailing of the notice of the signing of the judgment of bond forfeiture be fully satisfied and set aside upon the surrender or the appearance of the defendant. The appearance of the defendant shall operate as a satisfaction of the judgment and shall fully and finally relieve the surety of any and all obligations under the bond. Any judgment forfeiting the appearance bond shall at any time, within 10 days after the expiration of the six-month period provided to surrender the defendant, be fully satisfied by the payment of the amount of the bail obligation without incurring any interest, costs, or fees.

Proposed law deletes the provision of present law providing for forfeiture of bonds with a face value of \$50,000 or more.

(Amends R.S. 15:85(10))