

Regular Session, 2008

HOUSE BILL NO. 637

BY REPRESENTATIVE TUCKER

CRIMINAL/ARRESTS: Provides with respect to the issuance of a summons in lieu of arrest

1 AN ACT

2 To enact Code of Criminal Procedure Article 211.5, relative to arrest; to authorize peace
3 officers to issue a summons instead of an arrest warrant when there is an outstanding
4 warrant for certain misdemeanor offenses; to provide for exceptions; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

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

11 A. When a peace officer stops a person who has an outstanding warrant or
12 an attachment for failing to appear in court on a misdemeanor offense, including a
13 traffic offense, the officer may issue a summons in lieu of making an arrest despite
14 the existence of a warrant or attachment for the arrest of the person.

15 B. However, the provisions of this Article shall not apply when the offense
16 for which the warrant or attachment was issued involves any of the following:

17 (1) Any offense involving the operation of a vehicle while intoxicated.

18 (2) Any offense involving the use or possession of a weapon.

19 (3) Any offense involving the use of force or violence, except the crime of
20 simple battery.

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)]

Tucker

HB No. 637

Abstract: Authorizes peace officers to issue a summons in lieu of arrest when a person has an outstanding warrant for certain misdemeanor offenses.

Proposed law provides that a peace officer may issue a summons instead of making an arrest when the person has an outstanding warrant or attachment for a misdemeanor offense, including a traffic offense. Provides for the following exceptions: any offense involving the operation of a vehicle while intoxicated, any offense involving the use or possession of a weapon, or any offense involving the use of force or violence, except for the crime of simple battery.

(Adds C.Cr.P. Art. 211.5)