

## DIGEST

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SB 95 Reengrossed

2025 Regular Session

Cloud

Present law requires certain state agencies to develop written polices and procedures relative to electronic monitoring that include enumerated present law requirements.

Proposed law retains present law and adds certification standards and registration requirements for electronic monitoring to the present law list of items that require promulgation of written polices and procedures.

Present law provides that when an individual has been placed under electronic monitoring, the provider of the electronic monitoring services shall, by noon of the following day, provide certain information to law enforcement agencies within the appropriate jurisdiction.

Proposed law amends present law to add the district attorney for the parish of prosecution, or the attorney general if acting as the district attorney ad hoc, to the present law list of people to be notified.

Present law provides that electronic monitoring service providers shall submit an accurate report to each court exercising jurisdiction over the persons being monitored by the 10th day of each month for the previous month's monitoring activity.

Proposed law amends present law to add the district attorney for the parish of prosecution, or the attorney general if acting as the district attorney ad hoc, to the present law list of people to be notified.

Present law requires a provider of electronic monitoring services to notify both the bail agent on record and the court within 24 hours if a monitoring violation occurs.

Proposed law amends present law to change the notification period from within one day to immediately but in no event not longer than 30 minutes from the provider's receipt of notice.

Proposed law adds law enforcement agencies within the appropriate jurisdiction and the district attorney for the parish of prosecution or the attorney general if acting as the district attorney ad hoc, to the present law list of people to be notified.

Present law provides that a provider of electronic monitoring who either intentionally withholds or intentionally fails to timely report required information will be prohibited from registering to provide monitoring services in La. for a period of five years, fined an amount not to exceed \$1,000, and imprisoned for a period not to exceed six months.

Proposed law provides that the present law penalty be changed from a fine not to exceed \$1,000 and imprisonment for a period not to exceed six months to a fine not to exceed \$1,000 per day, but not to exceed \$10,000 per instance or individual monitored or imprisonment for a period not to exceed six months.

Proposed law otherwise retains present law.

Proposed law provides that:

- (1) The court shall impose any condition necessary to further the rehabilitation of a person subject to electronic monitoring including maintaining a job and compliance with inclusion or exclusion zones or, if the person is a juvenile, the ability to stay in school, participate in after-school activities, or be subject to a curfew.

- (2) An adult subject to electronic monitoring will be responsible for paying the cost of monitoring.
- (3) The court may waive costs associated with electronic monitoring in juvenile cases matters or in any other matter at the request of the entity that is otherwise responsible for the cost of monitoring.
- (4) The person subject to electronic monitoring must charge and maintain the monitoring equipment in normal working order.
- (5) The person subject to electronic monitoring must consent to a period of detention, not to exceed six hours, by the law enforcement authority of the applicable jurisdiction, without prior notice or court order, for the purpose of charging, recharging, or repairing the monitoring equipment if the signal is interrupted.
- (6) Electronic monitoring providers in La. must actively monitor any person subject to electronic monitoring and report all violations in compliance with present law as well as provide daily noncompliance reports to the district attorney.

Proposed law provides that court may, upon a finding of noncompliance, either on its own motion or that of the district attorney, issue a warrant for the arrest of a person subject to electronic monitoring. Proposed law also provides that a person arrested pursuant to a proposed law warrant will be held in custody until a hearing is conducted. Proposed law also provides that a person subject to electronic monitoring who is found noncompliant three times will be removed from an electronic monitoring program and remanded to either state custody, if he is an adult, or to the appropriate pretrial facility, if he is a juvenile.

Proposed law creates the crime of violation of electronic monitoring conditions and makes it a crime for any person placed on electronic monitoring to intentionally:

- (1) Enter an exclusion zone.
- (2) Fail to immediately exit an exclusion zone.
- (3) Violate a curfew order.

Proposed law provides definitions relative to proposed law and provides that a person convicted of violating proposed law will be fined not more than \$500, imprisoned for not more than six months, or both.

Proposed law provides that a person convicted of a felony while violating proposed law will be fined not more than \$1,000 and imprisoned, at hard labor, for one year.

Proposed law provides that a person convicted of violating proposed law after being released on bail for a felony crime of violence will be fined not more than \$1,000 and imprisoned, at hard labor, for one year.

Effective August 1, 2025.

(Amends R.S. 15:571.36(C)(4)(intro. para.) and 571.36(D); Adds R.S. 15:571.36(A)(12), 571.37, and 571.38)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Make technical changes.
2. Require certain state agencies to promulgate written policies and procedures regarding certification standards and registration requirements for electronic monitoring.

3. Provide that the proposed law fine cannot exceed \$10,000 per instance or individual monitored.
4. Require parents of a juvenile subject to electronic monitoring to pay the costs associated with their child's electronic monitoring.
5. Authorize the court to waive electronic monitoring costs either in whole or part.
6. Change proposed law relative to detaining an offender for maintenance of electronic monitoring equipment from detainment by the electronic monitoring company to detainment by the law enforcement authority.
7. Create the crime of violation of electronic monitoring conditions.

Senate Floor Amendments to engrossed bill

1. Make technical changes.
2. Waive certain costs in juvenile matters.
3. Increase procedural requirements.
4. Provide for juvenile detention in certain circumstances.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Make technical changes.
2. Add the district attorney for the parish of prosecution, or the attorney general if acting as the district attorney ad hoc, to the present law list of recipients to be notified for the following:
  - (a) When an individual has been placed under electronic monitoring.
  - (b) Monthly reports from electronic monitoring service providers.
4. Relative to when a violation of the defendant's monitoring conditions has occurred:
  - (a) Add law enforcement agencies within the appropriate jurisdiction to the present law list of recipients to be notified.
  - (b) Change the timeline to report a violation from within one day to immediately, but in no event not longer than 30 minutes from the provider's receipt of notice.
5. Permit rather than require the court to waive the cost of electronic monitoring in a juvenile matter and provide that such waiver is allowed in any other matter at the request of the entity that is otherwise responsible for the cost of monitoring.