

## RÉSUMÉ DIGEST

ACT 416 (SB 95)

2025 Regular Session

Cloud

Existing law requires certain state agencies to develop written policies and procedures relative to electronic monitoring that include enumerated existing law requirements.

New law retains existing law and adds the certification standards and registration requirements for electronic monitoring providers and manufacturers who render electronic monitor services in La. to existing law.

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

New law retains existing law and adds the prosecuting authority to the existing law list of entities that receive notification.

Existing law provides that electronic monitoring service providers must 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.

New law retains existing law and adds the prosecuting authority to the existing law list of entities that receive the existing law report.

Existing law requires a provider of electronic monitoring services to notify both the bail agent of record and the court within one day of the provider receiving notice that certain monitoring violations took place.

New law retains existing law and provides that both the law enforcement agencies within the appropriate jurisdiction and the prosecuting authority will be notified. New law further provides that the notification deadline will be reduced from within one day of the provider receiving notice that certain monitoring violations took place to immediately, but in no event more than 30 minutes from the provider verifying a notice of certain violations.

Prior 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 up to \$1,000, and imprisoned for up to six months.

New 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 and fined between \$1,000 and \$10,000 per instance or individual monitored, or imprisoned for up to six months, or both.

New law provides that:

- (1) The court will 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, staying in school, participating in after-school activities, or 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 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 immediate cooperation with and acquiesce to any efforts to evaluate, diagnose, and repair any technical issues associated with the device and monitoring by the electronic monitoring

company, which may include, but not be limited to, reasonable detention by law enforcement.

- (6) Electronic monitoring providers in La. must actively monitor any person subject to electronic monitoring and report all violations in compliance with new law and provide daily noncompliance reports to the district attorney.

New law provides that the court may, either on its own motion or that of the district attorney, and upon a finding of noncompliance by the person subject to electronic monitoring, issue a warrant for the arrest of the noncompliant person. New law also provides that a person arrested pursuant to a new law warrant will be held in custody until a hearing is conducted to determine if he can and will comply with the applicable electronic monitoring restrictions.

New law provides that the court will terminate a person's participation in an electronic monitoring program and remand him to state custody (adult) or to the appropriate pretrial facility (juvenile) if he is found noncompliant three times.

New 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.

New law provides definitions relative to new law and provides that a person convicted of violating new law will be fined up to \$500, imprisoned for up to six months, or both.

New law provides that a person convicted of violating new law who committed a felony while in violation of new law will be fined up to \$1,000 and imprisoned, at hard labor, for one year.

New law provides that a person convicted of violating new law after being released on bail for a felony crime of violence will be fined up to \$1,000 and imprisoned, at hard labor, for one year.

Effective August 1, 2025.

(Amends R.S. 15:571.36(C)(1)(intro. para.), (C)(2)(intro. para.), (C)(4)(intro. para.), and (D); adds R.S. 15:571.36(A)(12), 571.37, and 571.38)