
DIGEST

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HB 705 Original

2018 Regular Session

Magee

Abstract: Provides for the Lafourche Parish Alternative Home Incarceration Program, including eligibility determinations and conditions of the program.

Present law authorizes the Lafourche Parish Sheriff's Office to implement a pilot program using electronic monitoring as an alternative to incarceration. Provides for the following eligibility provisions:

- (1) No defendant charged with a crime of violence or sex offense can participate in the pilot program.
- (2) The sheriff's office makes a determination that the defendant is particularly likely to respond to the program.
- (3) The sheriff's office interviewed the defendant and conducted a risk assessment.

Present law provides for electronic monitoring of the participants in the program and provides for other conditions of the program. Allows the court or the sheriff to terminate participation in the program at any time. Authorizes the sheriff to assess a fee or to collect the per diem authorized by present law (R.S. 13:5535(1)), and, in the case of indigent persons, requires the sheriff to establish rules governing participation in the program by indigent defendants. Provides for the evaluation of the program and requires the reporting of information to the legislature by the year 2012.

Proposed law makes the following changes to the program:

- (1) Renames the program the Lafourche Parish Alternative Home Incarceration Program.
- (2) Changes the nature of the program from a pilot program to a permanent program.
- (3) Amends eligibility requirements as follows:
 - (a) Only those persons charged with a crime punishable by death or life imprisonment are ineligible to participate in the program.
 - (b) Requires the sheriff's office to forward the risk-based assessment determination to the court upon request.

- (4) Provides that the conditions of the program may include participation in appropriate counseling or training sessions, shall include the use of active global positioning systems electronic monitoring, and may require the inmate to maintain employment.
- (5) Provides that participation in the program does not negate or nullify a bond or bail obligation, and provides that an inmate may post a bond or bail obligation and be relieved of the conditions of this program unless the conditions are specifically ordered by the court or by law.
- (6) Deletes the present law provision allowing the defendant to receive credit for time served while participating in the program with the approval of the sentencing court, and adds provisions allowing the inmate to receive a diminution of sentence for good behavior.

Proposed law removes present law provisions regarding the evaluation of the original pilot program and the reporting of that information to the legislature, and removes present law provisions governing the termination of the present law pilot program.

(Amends R.S. 15:571.35.1)