

ACT No. 374

2023 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVES DAVIS, CARRIER, EDMONDS, EDMONSTON, GAROFALO, HORTON, KNOX, MCKNIGHT, MCMAHEN, GREGORY MILLER, RISER, SCHLEGEL, SEABAUGH, STEFANSKI, THOMPSON, AND VILLIO

1 AN ACT

2 To amend and reenact R.S. 14:110.2(B) and to enact R.S. 15:571.36(A)(8) through (11), (B),
3 (C), and (D) and 835, relative to electronic monitoring equipment; to require the
4 Department of Public Safety and Corrections to develop additional policies and
5 procedures relative to electronic monitoring equipment; to provide for a reporting
6 requirement; to provide for penalties; to provide relative to the imposition of
7 electronic monitoring; to provide for registration; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:110.2(B) is hereby amended and reenacted to read as follows:

10 §110.2. Tampering with electronic monitoring equipment

11 * * *

12 B.(1) Whoever commits the crime of tampering with electronic monitoring
13 equipment shall be fined not more than five hundred dollars and shall be imprisoned
14 for not more than six months.

15 (2) If the offender violates the provisions of this Section while he is involved
16 in the commission of a felony, he shall be fined not more than one thousand dollars
17 and shall be imprisoned at hard labor for not more than one year.

18 (3) If the offender violates the provisions of this Section after being released
19 pursuant to a bail undertaking for a felony crime of violence enumerated or defined
20 in R.S. 14:2(B), he shall be fined not more than one thousand dollars and shall be
21 imprisoned at hard labor for not more than a year.

22 (4) At least seventy-two hours of the sentence shall be served without benefit
23 of probation, parole, or suspension of sentence.

1 Section 2. R.S. 15:571.36(A)(8) through (11), (B), (C), and (D) and 835 are hereby
2 enacted to read as follows:

3 §571.36. Electronic monitoring equipment

4 A. The Department of Public Safety and Corrections, corrections services,
5 the office of state police, and the Louisiana Commission on Law Enforcement and
6 Administration of Criminal Justice shall develop written policies and procedures in
7 the manner provided in the Administrative Procedure Act for the promulgation of
8 rules governing mandatory requirements for electronic monitoring service providers,
9 including governing the availability, storage, and use of, and operational capacity for
10 electronic monitoring equipment; utilized for pre-trial, post-conviction, or
11 monitoring, which shall include all of the following requirements:

12 * * *

13 (8) Location accuracy of a monitored individual for all of the following:

14 (a) The indoor location of a monitored individual.

15 (b) The outdoor location of a monitored individual.

16 (c) On-demand location, which is the most recent location of a monitored
17 individual, and the ability to provide this location accuracy within three minutes of
18 a request.

19 (9) Development of zoning capabilities for both of the following:

20 (a) Inclusion zones, which are geographic areas where a monitored
21 individual is scheduled to be.

22 (b) Exclusion zones, which are geographic areas where a monitored
23 individual is not permitted to visit.

24 (10) Alert notifications from the applicable local, municipal, and parish
25 authorities and the office of technology services to an authorizing judge or law
26 enforcement agency for all of the following:

27 (a) The tampering of the electronic monitoring equipment and the ability to
28 provide an alert of this violation within three minutes of the violation.

1 **(b) The presence of the electronic monitoring equipment in an exclusion**
2 **zone and the ability to provide an alert of this violation within four minutes of the**
3 **violation.**

4 **(c) Low battery alert prior to the complete discharge of the battery within the**
5 **electronic monitoring equipment.**

6 **(11) Simultaneous access to an authorizing judge or law enforcement agency**
7 **for all monitoring records of an electronic monitoring provider.**

8 **B.(1) When an individual has been placed under electronic monitoring, the**
9 **provider of the electronic monitoring service shall, by noon of the following day,**
10 **provide law enforcement agencies within the appropriate jurisdiction all of the**
11 **following information:**

12 **(a) The name and any aliases used by the monitored individual.**

13 **(b) The physical address or addresses of residence of the monitored**
14 **individual.**

15 **(c) The name and physical address of place of employment. If the monitored**
16 **individual does not have a fixed place of employment, he shall provide information**
17 **with as much specificity as possible regarding the places where he works, including**
18 **but not limited to travel routes used by the monitored offender.**

19 **(d) The pending criminal charges against the monitored individual.**

20 **(e) The reason why the monitored individual has been placed under**
21 **electronic monitoring.**

22 **(2) After an individual has been placed under electronic monitoring, the**
23 **court exercising jurisdiction over the monitored individual shall report the**
24 **information provided in Paragraph (1) of this Subsection to all law enforcement**
25 **agencies within its jurisdiction.**

26 **C.(1) Any provider of an electronic monitoring service who intentionally**
27 **withholds or intentionally fails to timely report information as required by this**
28 **Section shall be subject to a civil fine of not more than one thousand dollars and shall**
29 **be prohibited from registering to provide electronic monitoring services in this state**
30 **for a period of five years.**

1 forms provided by the department and shall contain all the information required by
2 such forms and any accompanying instructions.

3 C. The department shall remove from its registry any person or entity that
4 provides electronic monitoring services in this state if the department determines that
5 the person or entity has violated the provisions of R.S. 15:571.36(C).

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____