

SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Wheat to Reengrossed House Bill No. 874 by Representative Kerner

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" delete "enact Code of Criminal Procedure Article 320.1" and  
3 insert "amend and reenact R.S. 15:571.36(A)(introductory paragraph) and  
4 (A)(10)(introductory paragraph) and (B) through (D) and 835 and to enact R.S.  
5 15:571.36(E)"

6 AMENDMENT NO. 2

7 On page 1, delete lines 7 through 20 and delete pages 2 and 3 and insert:

8 "Section 1. R.S. 15:571.36(A)(introductory paragraph) and (A)(10)(introductory  
9 paragraph) and (B) through (D) and 835 are hereby amended and reenacted and R.S.  
10 15:571.36(E) is hereby enacted to read as follows:

11 §571.36. Electronic monitoring equipment

12 A. The Department of Public Safety and Corrections, corrections services,  
13 the office of state police, and the Louisiana Commission on Law Enforcement and  
14 Administration of Criminal Justice shall develop written policies and procedures in  
15 the manner provided in the Administrative Procedure Act for the promulgation of  
16 rules governing mandatory requirements for electronic monitoring service providers  
17 and manufacturers, including the availability, storage, use of, and operational  
18 capacity for electronic monitoring equipment utilized for pretrial, post-conviction,  
19 or monitoring, which shall include all of the following requirements:

20 \* \* \*

21 (10) ~~Alert notifications from the applicable local, municipal, and parish~~  
22 ~~authorities and the office of technology services to an authorizing judge or law~~  
23 ~~enforcement agency to a provider of electronic monitoring services~~ for all of the  
24 following:

25 \* \* \*

26 B. When the court has placed an individual under electronic monitoring, the  
27 name and contact information of the person or entity providing electronic monitoring  
28 services shall be entered in the docket for the case in which the electronic monitoring  
29 is ordered.

30 ~~B. C.~~(1) When an individual has been placed under electronic monitoring,  
31 the provider of the electronic monitoring ~~service services~~ shall, by noon of the  
32 following day, provide law enforcement agencies within the appropriate jurisdiction  
33 all of the following information:

- 34 (a) The name and any aliases used by the monitored individual.
- 35 (b) The physical address or addresses of residence of the monitored  
36 individual.
- 37 (c) The name and physical address of place of employment. If the monitored  
38 individual does not have a fixed place of employment, he shall provide information  
39 with as much specificity as possible regarding the places where he works, including  
40 but not limited to travel routes used by the monitored offender.
- 41 (d) The pending criminal charges against the monitored individual.
- 42 (e) The reason why the monitored individual has been placed under  
43 electronic monitoring.

44 (2) Electronic monitoring service providers shall submit an accurate report  
45 to each court exercising jurisdiction over the persons being monitored by the tenth  
46 day of each month for the previous month's monitoring activity to include all of the  
47 following information:

- 48 (a) The name and any aliases used by the monitored individual.
- 49 (b) The date of birth of the monitored individual.

1 (c) The offense that the monitored individual has been charged with, or  
2 convicted of.

3 (3) By January 15<sup>th</sup> of each year, electronic monitoring service providers  
4 shall submit an accurate annual report to each court exercising jurisdiction over any  
5 monitored person during the previous calendar year that includes all of the following  
6 information:

- 7 (a) The services offered.
- 8 (b) The areas served.
- 9 (c) The number of defendants served.
- 10 (d) The number of defendants terminated.
- 11 (e) The reasons for termination.
- 12 (f) The credentials or qualifications of the provider.

13 (4) When a violation of the defendant's monitoring conditions has occurred,  
14 the provider of electronic monitoring services shall report the violation to the court  
15 exercising jurisdiction over the defendant within one day of the provider's receipt of  
16 notice that any of the following involving the electronic monitoring equipment has  
17 occurred:

- 18 (a) Presence in an exclusion zone, which are geographic areas where the  
19 defendant is not permitted to visit.
- 20 (b) Tampering or destruction.
- 21 (c) Loss of battery power.
- 22 (d) Loss of communications.

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

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

32 (2) The attorney general shall have the authority to pursue the civil fine  
33 imposed pursuant to this Subsection and may institute any civil action to prohibit any  
34 violation of this Subsection from providing or registering to provide electronic  
35 monitoring services in this state for a period of five years.

36 ~~D. E.~~ The Integrated Criminal Justice Information System Policy Board, in  
37 consultation with the Department of Public Safety and Corrections, corrections  
38 services, the office of state police, the office of the attorney general, the office of  
39 information and technology systems, and the Louisiana Commission on Law  
40 Enforcement and Administration of Criminal Justice shall evaluate the feasibility of  
41 all of the following:

- 42 (1) Development of a statewide system for the use of global position system  
43 monitoring and other electronic methods of monitoring as an alternative to  
44 incarceration for persons who have been arrested, who are awaiting trial, or who  
45 have been convicted.
- 46 (2) Development of guidelines and criteria for contracts between a local  
47 government and a person or entity that provides electronic monitoring services.
- 48 (3) Development and maintenance of a centralized registry that can assist the  
49 state in the collection of the following data:
  - 50 (a) The number of persons who are electronically monitored by jurisdiction.
  - 51 (b) The number of violations that occur within each jurisdiction.

52 \* \* \*

53 §835. Registration of electronic monitoring service providers

54 A. Any person or entity who provides electronic monitoring services for the  
55 purpose of monitoring, tracking, or supervising pretrial or post-conviction persons  
56 within the state shall certify in writing that the provider meets the criteria provided  
57 in R.S. 15:571.36 and shall register with the ~~department no later than December 1,~~  
58 2024 court and the sheriff of the parish where the services are to be provided. The  
59 information provided to the court and the sheriff shall include all of the following:

- 60 (1) The name of the provider.
- 61 (2) The principal contact information of the provider.

1                   (3) The primary office address of the provider.

2                   B. No person or entity shall provide electronic monitoring services in this  
3 state without having first complied with the registration requirements as provided in  
4 Subsection A of this Section. The application for registration shall be submitted on  
5 forms provided by the ~~department~~ court and the sheriff of the parish where the  
6 services are to be provided and shall contain all of the information required by such  
7 forms and any accompanying instructions.

8                   C. The ~~department~~ court and the sheriff of the parish where the services are  
9 to be provided shall remove from ~~its~~ the registry any person or entity that provides  
10 electronic monitoring services in this state if the ~~department determines~~ court and the  
11 sheriff determine that the person or entity has violated the provisions of ~~R.S.~~  
12 ~~15:571.36(C)~~ R.S. 15:571.36(D).

13                   D. The following persons are prohibited from being a vendor, or having a  
14 financial interest in a vendor, for electronic monitoring services in this state:

15                   (1) Any sheriff.

16                   (2) Any district attorney.

17                   (3) Any judge.

18                   (4) An immediate family member of any of the persons provided in this  
19 Subsection.

20 Section 2. This Act shall become effective on January 1, 2025."