

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 874****2024 Regular Session****Kerner**

CORRECTIONS: Provides relative to electronic monitoring

**Synopsis of Senate Amendments**

1. Makes technical changes.
2. Moves proposed law provisions from the Code of Criminal Procedure to Title 15 of the Louisiana Revised Statutes of 1950.
3. Specifies that the written policies and procedures developed pursuant to the Administrative Procedure Act apply to electronic monitoring manufacturers.
4. Changes the entity to be notified of certain circumstances involving electronic monitoring equipment from the authorizing judge or law enforcement agency to the provider of electronic monitoring services.
5. Removes provisions of present law that provide that electronic monitoring alert notifications come from applicable local, municipal, and parish authorities, and the office of technology services.
6. Requires that the name and contact information of the person or entity providing electronic monitoring services be entered into the court docket for each case.
7. Requires the submission of reports by the 10th of each month for the previous month's monitoring activity, by Jan. 15th of each year for annual reports, and within one day for violations of electronic monitoring conditions.
8. Changes the entity with whom a provider of electronic services is required to register with from the DPS&C to the court and the sheriff of the parish where such services are to be provided.
9. Requires that the name of the provider, the principal contact information of the provider, and the primary office address of the provider be provided to the court and the sheriff.
10. Prohibits any sheriff, district attorney, judge, or a family member of any of those persons from being a vendor, or having a financial interest in a vendor, for electronic monitoring services in this state.
11. Provides an effective date of Jan. 1, 2025.
12. Removes language relative to the authority of the attorney general to pursue civil fines and institute any civil action to prohibit any violator of proposed law from providing or registering to provide global positioning monitoring systems or other electronic monitoring services in this state for a period of five years.
13. Makes the fine criminal, rather than civil.
14. Adds a penalty of imprisonment relative to withholding information.

**Digest of Bill as Finally Passed by Senate**

Present law (R.S. 15:571.36) provides relative to electronic monitoring equipment.

Proposed law retains present law.

Present law (R.S. 15:571.36(A)) provides for the development of written policies and procedures for the promulgation of rules governing mandatory requirements for electronic monitoring service providers, including the availability, storage, use of, and operational capacity for electronic monitoring equipment utilized for pretrial, post-conviction, or monitoring, which shall include a variety of requirements.

Proposed law amends present law to include the development of written policies and procedures for the promulgation of rules for electronic monitoring manufacturers.

Present law (R.S. 15:571.36(A)(10)) provides that one of the requirements shall include alert notifications from the applicable local, municipal, and parish authorities and the office of technology services to an authorizing judge or law enforcement agency of certain circumstances involving electronic monitoring equipment.

Proposed law amends present law to change the entity to be notified of certain circumstances involving electronic monitoring equipment from the authorizing judge or law enforcement agency to the provider of electronic monitoring services. Further removes present law provisions that provide that these notifications are to come from applicable local, municipal, and parish authorities and the office of technology services.

Proposed law provides that when the court has placed an individual under electronic monitoring, the name and contact information of the person or entity providing electronic monitoring services shall be entered in the docket for the case in which the electronic monitoring is ordered.

Present law (R.S. 15:571.36(B)) provides that when an individual has been placed under electronic monitoring, the provider of the electronic monitoring service shall, by noon of the following day, provide law enforcement agencies within the appropriate jurisdiction certain information.

Proposed law amends present law to provide for additional reports as follows:

- (1) At the end of each month, the provider of electronic monitoring services shall submit an accurate report to the court exercising jurisdiction over the person being monitored by the 10th day of each month for the previous month's monitoring activity that includes all of the following information:
  - (a) The name and any aliases used by the monitored individual.
  - (b) The date of birth of the monitored individual.
  - (c) The offense that the monitored individual has been charged with, or convicted of.
- (2) By Jan. 15th of each year, the provider of electronic monitoring services shall submit timely and accurate reports to the court exercising jurisdiction over the person being monitored that includes all of the following information:
  - (a) The services offered.
  - (b) The areas served.
  - (c) The number of defendants served.

- (d) The number of defendants terminated.
  - (e) The reasons for termination.
  - (f) The credentials or qualifications of the provider.
- (3) When a violation of the defendant's monitoring conditions has occurred, the provider of electronic monitoring services shall report such violation to the court exercising jurisdiction over the defendant within one day of the provider's receiving notice that any of the following involving the electronic monitoring equipment has occurred:
- (a) Presence in an exclusion zone, which are geographic areas where the defendant is not permitted to visit.
  - (b) Tampering or destruction.
  - (c) Loss of battery power.
  - (d) Loss of communications.

Present law (R.S. 15:835) provides for the registration of electronic monitoring service providers.

Proposed law amends present law to change the entity with whom a provider of electronic services is required to register with from the DPS&C to the court and the sheriff of the parish where such services are to be provided.

Proposed law further provides that the information to be provided to the court and the sheriff shall include all of the following:

- (1) The name of the provider.
- (2) The principal contact information of the provider.
- (3) The primary office address of the provider.

Proposed law provides that whoever intentionally withholds or intentionally fails to timely report information as required by proposed law shall be subject to a fine of not more than \$1,000 and imprisoned for not more than six months shall be prohibited from registering to provide global positioning monitoring systems or other electronic monitoring services in this state for a period of five years.

Proposed law provides that the following persons are prohibited from being a vendor, or having a financial interest in a vendor, for electronic monitoring services in this state:

- (1) Any sheriff.
- (2) Any district attorney.
- (3) Any judge.
- (4) An immediate family member of any of the persons provided in proposed law.

(Amends R.S. 15:571.36(A)(intro. para.) and (10) and (B)-(D) and 835; Adds R.S. 15:571.36(E))