

2024 Regular Session

ACT No. 746

HOUSE BILL NO. 874

BY REPRESENTATIVE KERNER AND SENATORS BARROW, BOUDREAUX,
CLOUD, CONNICK, HENRY, JACKSON-ANDREWS, AND STINE

1 AN ACT

2 To amend and reenact R.S. 15:571.36(A)(introductory paragraph) and (A)(10)(introductory
3 paragraph) and (B) through (D) and 835 and to enact R.S. 15:571.36(E), relative to
4 global positioning monitoring systems; to provide for registration; to provide relative
5 to eligibility; to provide for submission of reports; to provide for penalties; to
6 provide for a prohibition; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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~~

1 ~~enforcement agency to a provider of electronic monitoring services~~ for all of the
2 following:

3 * * *

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

8 ~~B. C.~~(1) When an individual has been placed under electronic monitoring,
9 the provider of the electronic monitoring ~~service~~ services shall, by noon of the
10 following day, provide law enforcement agencies within the appropriate jurisdiction
11 all of the 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) Electronic monitoring service providers shall submit an accurate report
23 to each court exercising jurisdiction over the persons being monitored by the tenth
24 day of each month for the previous month's monitoring activity to include all of the
25 following information:

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

27 (b) The date of birth of the monitored individual.

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

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

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

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

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

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

5 ~~D. E.~~ The Integrated Criminal Justice Information System Policy Board, in
 6 consultation with the Department of Public Safety and Corrections, corrections
 7 services, the office of state police, the office of the attorney general, the office of
 8 information and technology systems, and the Louisiana Commission on Law
 9 Enforcement and Administration of Criminal Justice shall evaluate the feasibility of
 10 all of the following:

11 (1) Development of a statewide system for the use of global position system
 12 monitoring and other electronic methods of monitoring as an alternative to
 13 incarceration for persons who have been arrested, who are awaiting trial, or who
 14 have been convicted.

15 (2) Development of guidelines and criteria for contracts between a local
 16 government and a person or entity that provides electronic monitoring services.

17 (3) Development and maintenance of a centralized registry that can assist the
 18 state in the collection of the following data:

- 19 (a) The number of persons who are electronically monitored by jurisdiction.
- 20 (b) The number of violations that occur within each jurisdiction.

21 * * *

22 §835. Registration of electronic monitoring service providers

23 A. Any person or entity who provides electronic monitoring services for the
 24 purpose of monitoring, tracking, or supervising pretrial or post-conviction persons
 25 within the state shall certify in writing that the provider meets the criteria provided
 26 in R.S. 15:571.36 and shall register with the ~~department no later than December 1,~~
 27 ~~2024~~ court and the sheriff of the parish where the services are to be provided. The
 28 information provided to the court and the sheriff shall include all of the following:

- 29 (1) The name of the provider.
- 30 (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. An elected official, or any immediate family member of an elected
14 official, shall be prohibited from being a vendor, or having a financial interest in a
15 vendor, for electronic monitoring services in this state.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____