

## RÉSUMÉ DIGEST

ACT 746 (HB 874)

2024 Regular Session

Kerner

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

New law retains existing law.

Prior law (R.S. 15:571.36(A)) provided 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 should include a variety of requirements.

New law changes prior law policies to include the development of written policies and procedures for the promulgation of rules for electronic monitoring manufacturers.

Prior law (R.S. 15:571.36(A)(10)) provided that the requirements 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.

New law 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. Further removes existing law provisions that provide that these notifications are to come from applicable local, municipal, and parish authorities and the office of technology services.

New 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.

Prior law (R.S. 15:571.36(B)) provided that when an individual had been placed under electronic monitoring, the provider of the electronic monitoring service was required, by noon of the following day, to provide law enforcement agencies within the appropriate jurisdiction certain information.

New law provides for additional reports as follows:

- (1) At the end of each month, the provider of electronic monitoring services shall submit an accurate reports 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 for which the monitored individual has been charged or convicted.
- (2) By January 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 bail agent on record and 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.

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

Prior law required the entity providing electronic monitoring services to register with the DPS&C.

New law requires the entity providing electronic monitoring services to register with the court and the sheriff of the parish where such services are to be provided, instead of the DPS&C.

New 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.

New law provides that whoever intentionally withholds or intentionally fails to timely report information as required by new 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.

New law provides that an elected official, or any immediate family member of an elected official, shall be prohibited from being a vendor, or having a financial interest in a vendor, for electronic monitoring services in this state.

Effective January 1, 2025.

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