
DIGEST

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HB 705 Engrossed

2018 Regular Session

Magee

Abstract: Provides for the Lafourche Parish Pretrial Home Incarceration Program, including eligibility determinations and conditions of the program.

Present law authorizes the Lafourche Parish Sheriff's Office to implement a pilot program using electronic monitoring as an alternative to incarceration. Provides for the following eligibility provisions:

- (1) No defendant charged with a crime of violence or sex offense can participate in the pilot program.
- (2) The sheriff's office makes a determination that the defendant is particularly likely to respond to the program.
- (3) The sheriff's office interviewed the defendant and conducted a risk assessment.

Present law provides for electronic monitoring of the participants in the program and provides for other conditions of the program. Allows the court or the sheriff to terminate participation in the program at any time. Authorizes the sheriff to assess a fee or to collect the per diem authorized by present law (R.S. 13:5535(1)), and, in the case of indigent persons, requires the sheriff to establish rules governing participation in the program by indigent defendants. Provides for the evaluation of the program and requires the reporting of information to the legislature by the year 2012.

Proposed law changes the nature of the program from a pilot program to a permanent program.

Proposed law provides that participation in the program does not, in any way, negate nor nullify the bail obligations as set by the court. At any time, a defendant may post a legally sufficient authorized bail and become relieved of all conditions of this program unless those conditions are specifically ordered by the court or by law as a condition of bail.

Proposed law removes present law provisions regarding the evaluation of the original pilot program and the reporting of that information to the legislature, and removes present law provisions governing the termination of the present law pilot program.

Proposed law otherwise retains present law.

(Amends R.S. 15:571.35.1(A), (B), (C)(1) and (2)(a) and (e), (D), (E), (F), (G), and (H); Adds R.S.

15:571.35.1(C)(3); Repeals R.S. 15:571.35.1(I)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law changes to present law except for the following:
 - (a) Retain the proposed law change to the nature of the program from a pilot program to a permanent program.
 - (b) Amend the proposed law provision relative to bail obligations to provide that participation in the program does not, in any way, negate nor nullify the bail obligations as set by the court. At any time, a defendant may post a legally sufficient authorized bail and become relieved of all conditions of this program unless those conditions are specifically ordered by the court or by law as a condition of bail.
 - (c) Retain the proposed law removal of present law provisions regarding the evaluation of the original pilot program and the reporting of that information to the legislature, and the removal of present law provisions governing the termination of the present law pilot program.