

## RÉSUMÉ DIGEST

**ACT 139 (HB 705)**

**2018 Regular Session**

**Magee**

Existing law authorizes the Lafourche Parish Sheriff's Office to implement a 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 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.

Existing 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 existing 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.

Prior law provided for the evaluation of the program and required the reporting of information to the legislature by the year 2012.

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

New law provides that participation in the program does not negate nor nullify the bail obligations 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.

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

New law otherwise retains existing law.

Effective August 1, 2018.

(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))