

2022 Regular Session

HOUSE BILL NO. 812

BY REPRESENTATIVE BOYD

CORRECTIONAL FACILITIES: Provides relative to collection and reporting of data regarding jail facilities

1 AN ACT

2 To enact R.S. 15:827.4, relative to correctional facilities; to provide relative to the collection  
3 of data regarding jail facilities; to provide for definitions; to provide relative to the  
4 requirement to keep and maintain a daily record; to provide relative to the  
5 submission of a quarterly report; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:827.4 is hereby enacted to read as follows:

8 §827.4. Quarterly reporting requirements; jail facilities

9 A. As used in this Section, the following terms shall have the following  
10 meanings:

11 (1) "Administrative segregation" means any form of disciplinary,  
12 preventative, or administrative housing or segregation that limits meaningful access  
13 to social interaction.

14 (2) "Average daily population" means the number of confined inmates each  
15 day for a year, divided by the number of days in the year.

16 (3) "Case disposition" means the final judgment, adjudication, adjudication  
17 withheld, dismissal, or nolle prosequi of a case.

18 (4) "Confined inmate" means an inmate under the supervision of a jail  
19 facility, including an inmate who is in transit to or from a facility, appearing in or in  
20 transit to or from court, held for other jurisdictions, in a hospital or other medical

1 institution for treatment but would otherwise be housed in the jail facility, in a work  
2 release program but returns to jail at night, or in a community-based program but  
3 returns to jail at night. The term shall not include a person who has escaped, is on  
4 long-term transfer to other jurisdictions, or is in a community-based program but  
5 does not return to jail at night.

6 (5) "Hold" means a mechanism preventing a confined inmate's release from  
7 custody on bail, including a hold on behalf of another criminal justice agency, a  
8 parole hold, or a probation hold.

9 (6) "Jail facility" means any building, structure, enclosure, institution, or  
10 place, whether permanent or temporary, fixed or mobile, where persons are or may  
11 be lawfully held in custody or be confined, that is operated by a parish or a city and  
12 a parish.

13 (7) "Jail management system" means a software program utilized by a jail  
14 facility to store jail data and to track inmate information and status beginning at  
15 booking and until release.

16 (8) "Maximum design capacity" means the number of inmates who can be  
17 accommodated in a jail facility based on the number of permanent beds that the  
18 facility is designed to hold and the staff of the facility, existing programs, and  
19 services.

20 (9) "Municipal offense" means a violation of, or conduct defined as unlawful  
21 by, any municipal code or ordinance.

22 (10) "Sentenced inmate" means an inmate who is confined and actively  
23 serving a sentence requiring a term of imprisonment. An inmate is considered  
24 sentenced even if the inmate is unsentenced in a separate case, and if the inmate has  
25 a hold on his release.

26 (11) "Unsentenced inmate" means an inmate who is confined and awaiting  
27 case disposition. An inmate is not considered unsentenced if the inmate is actively  
28 serving a sentence requiring a term of imprisonment in a separate case.

1           B. The keeper of each jail facility shall keep and maintain a daily record of  
2           all data specified in Subsection C of this Section. The information contained in the  
3           record must be available to the public at all reasonable hours.

4           C. The keeper of each jail facility shall keep and maintain a daily record of  
5           the following data:

6           (1) For each confined inmate:

7           (a) The date of entrance.

8           (b) Name.

9           (c) Date of birth.

10          (d) Race, ethnicity, and gender.

11          (e) Any criminal charges against the inmate, organized by code section, and  
12          the jurisdiction charging each offense.

13          (f) Term of sentence, if sentenced.

14          (g) Bond amount, if bond has been set.

15          (h) Release date.

16          (i) If the inmate is in the legal custody of a jurisdiction other than the parish  
17          where the jail facility is located, the jurisdiction having legal custody of the inmate.

18          (2) The maximum design capacity of the jail.

19          (3) The name of the jail management system used by the jail facility.

20          (4) The number of confined inmates in the jail facility.

21          (5) Counting each confined inmate only once, the following information  
22          concerning confined inmates:

23          (a) The number of sentenced inmates.

24          (b) The number of unsentenced inmates with a hold.

25          (c) The number of unsentenced inmates without a hold.

26          (6) Counting each unsentenced inmate without a hold only once, the  
27          following information concerning unsentenced inmates:

28          (a) The number whose most serious charged offense is a felony.

29          (b) The number whose most serious charged offense is a misdemeanor.

1           (7) The number of confined inmates held only for a municipal offense.

2           (8) The average number of confined inmates held in administrative  
3 segregation or other custody level in which the inmate is allowed outside of his cell  
4 for two or fewer hours per day and:

5           (a) The average number of confined inmates who were placed in  
6 administrative segregation and the average number of offenders who were released  
7 from administrative segregation.

8           (b) The age, sex, race, ethnicity, mental health code, medical class code,  
9 security level, and custody level of classification of each confined inmate.

10          (c) The disciplinary offense history of an inmate preceding his placement in  
11 administrative segregation.

12          (d) The average number of days each inmate spent in restrictive housing.

13          (e) The average number of incidents of self-harm, suicide attempts, and  
14 suicides by each confined inmate during the confined inmate's stay in administrative  
15 segregation.

16          (f) The number of confined inmates released from administrative segregation  
17 directly into the community.

18          (9) The number of confined inmates awaiting a mental examination, as  
19 provided by Code of Criminal Procedure Article 644, or a determination of mental  
20 capacity or incapacity, as provided by Code of Criminal Procedure Article 648.

21          (10) The average daily population of the jail facility.

22          (11) The average length of stay for each of the following:

23          (a) Confined inmates who were released within the prior twelve months  
24 whose most serious offense is a felony.

25          (b) Confined inmates who were released within the prior twelve months  
26 whose most serious offense is a misdemeanor.

27          (12) The number of deaths of confined inmates including:

28          (a) The date of death.

29          (b) The date of admission of the decedent.

1           (c) The cause of death, including identification of the determining factor of  
2           the cause of death.

3           (d) Preexisting medical condition of the decedent.

4           (e) Age at the time of death.

5           (f) Location of death within the jail facility.

6           (g) Race and gender of the decedent.

7           (13) The number of bookings into the jail facility and the number of releases  
8           from the jail facility.

9           (14) The average number of confined inmates enrolled in a work release  
10          program including:

11          (a) The average number of confined inmate deaths related to a work release  
12          program.

13          (b) The name of the subcontractor who operates the work release program,  
14          any costs associated with the work release program, and any revenues received by  
15          the jail facilities from the work release program.

16          (15) The name of the medical provider for the jail facility and whether the  
17          medical provider is privatized and the number of confined inmates treated at the jail  
18          facility by the medical provider for injuries related to the use of force or violence.

19          (16) Whether a Prison Rape Elimination Act audit was performed at the jail  
20          facility in the previous three years and the following information:

21          (a) The number of substantiated sexual assault complaints by the sentenced  
22          inmate.

23          (b) The number of substantiated sexual assault complaints by an unsentenced  
24          inmate.

25          (c) The number of unsubstantiated sexual assault complaints by a sentenced  
26          inmate.

27          (d) The number of unsubstantiated sexual assault complaints by an  
28          unsentenced inmate.

1            D.(1) On or before January 15, April 15, July 15, and October 15 of each  
2            year, beginning on January 15, 2023, each jail facility shall submit a quarterly report  
3            of the data collected pursuant to Subsection (C) of this Section as of the first day of  
4            the month in which the report is submitted to the Louisiana Commission on Law  
5            Enforcement and the Administration of Criminal Justice or the legislative auditor  
6            through an electronic survey designed by the Louisiana Commission on Law  
7            Enforcement and the Administration of Criminal Justice or the legislative auditor for  
8            such purpose. Each quarterly report must include:

9            (a) The data required by Paragraphs (2), (3), (4), and (6) of Subsection C of  
10           this Section, organized by race, ethnicity, and gender.

11           (b) Data concerning the number of deaths of confined inmates, collected  
12           pursuant to Paragraph (12) of Subsection C of this Section, as the total of all deaths  
13           of confined inmates that occurred since the previous reporting date.

14           (c) Data concerning the number of bookings into the jail facility, collected  
15           pursuant to Paragraph (13) of Subsection C of this Section, as the total of all  
16           bookings into the jail facility that occurred since the previous reporting date.

17           (d) A summary of all costs, revenues, and expenses related to housing  
18           sentenced inmates in the jail facility.

19           (e) A summary of all costs, revenues, and expenses related to housing  
20           unsentenced inmates in the jail facility.

21           (f) A summary of the monetary amount the jail facility is reimbursed by the  
22           Department of Public Safety and Corrections for housing sentenced inmates.

23           (2) If a jail facility is unable to provide any of the data that it is required to  
24           report pursuant to this Subsection, the jail facility shall include in its report an  
25           explanation of all good faith efforts to collect and submit the data not included in the  
26           report.

27           (3) If a jail facility fails to submit a quarterly report pursuant to this  
28           Subsection within thirty days after a reporting date, the jail facility is considered  
29           noncompliant for the quarterly reporting period. The Louisiana Commission on Law

1        Enforcement and the Administration of Criminal Justice or the legislative auditor  
 2        shall send a notice to the noncompliant jail facility. Such notice shall notify the jail  
 3        facility that the noncompliance effects the distribution of grant funds from federal  
 4        and state sources from the Louisiana Commission on Law Enforcement and the  
 5        Administration of Criminal Justice.

6                (4) The Louisiana Commission on Law Enforcement and the Administration  
 7        of Criminal Justice or the legislative auditor shall publish an annual report with the  
 8        information compiled in a searchable and categorized format.

### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 812 Original

2022 Regular Session

Boyd

**Abstract:** Provides relative to the quarterly reporting requirements of jail facilities to the La. Commission on Law Enforcement and the Administration of Criminal Justice or the legislative auditor.

Proposed law provides for definitions for the following terms: "administrative segregation", "average daily population", "case disposition", "confined inmate", "hold", "jail facility", "jail management system", "maximum design capacity", "municipal offense", "sentenced inmate", and "unsentenced inmate".

Proposed law requires the keeper of each jail facility to keep and maintain a daily record of certain data provided for in proposed law.

Proposed law requires each jail facility to submit a quarterly report, beginning Jan. 15, 2023, to the La. Commission on Law Enforcement and the Administration of Criminal Justice or the legislative auditor.

Proposed law provides that if a jail facility fails to submit a quarterly report within 30 days after a reporting date, the jail facility is considered noncompliant for the reporting period. Requires the La. Commission on Law Enforcement and the Administration of Criminal Justice or the legislative auditor to send a notice to the noncompliant jail facility.

(Adds R.S. 15:827.4)