

RÉSUMÉ DIGEST

ACT 374 (HB 556)

2023 Regular Session

Davis

Existing law provides for the crime of tampering with electronic monitoring equipment and provides for penalties.

New law adds an additional penalty of a fine of not more than \$1,000 and imprisonment at hard labor for not more than one year for an offender who violates existing law after being released pursuant to a bail undertaking for a felony crime of violence enumerated or defined in existing law.

Existing law requires the Dept. of Public Safety and Corrections (DPS&C) to develop written policies and procedures in the manner provided in the Administrative Procedure Act (APA) for the promulgation of a rule governing the availability, storage, and use of electronic monitoring equipment.

New law amends existing law to provide that corrections services, the office of state police, and the La. Commission on Law Enforcement and Administration of Criminal Justice (LCLE) shall also work with DPS&C to develop written policies and procedures in the manner provided in the APA for the promulgation of rules governing mandatory requirements for electronic monitoring service providers, including governing the availability, storage, use of, and operational capacity for electronic monitoring equipment utilized for pre-trial, post-conviction, or monitoring.

Existing law requires the policies and procedures to include the following criteria:

- (1) Secure storage.
- (2) Timely visual inspection of equipment worn by the monitored individual.
- (3) A master listing and inventory.
- (4) Availability of at least one complete backup unit for a number of specified units.
- (5) Responses to system malfunctions.
- (6) Restricted password access to authorized staff.
- (7) Maintenance and cleaning of equipment.

New law specifies that the policies and procedures be developed pursuant to the APA and adds the following criteria:

- (1) Location accuracy for the indoor, outdoor, and on-demand location of a monitored individual. Also provides for the ability to provide a monitored offender's location accuracy within three minutes of a request.
- (2) Development of zoning capabilities for inclusion and exclusion zones.
- (3) Timely alert notifications from the applicable local, municipal, and parish authorities and the office of technology services to an authorizing judge or law enforcement agency for all of the following:
 - (a) The tampering of the electronic monitoring equipment and the ability to provide an alert of this violation within three minutes of the violation.
 - (b) The presence of the electronic monitoring equipment in an exclusion zone and the ability to provide an alert of this violation within four minutes of the violation.
 - (c) Low battery alert prior to the complete discharge of the battery within the electronic monitoring equipment.

- (4) Simultaneous access to an authorizing judge or law enforcement agency for all monitoring records of an electronic monitoring provider.

New law provides that when an individual has been placed under electronic monitoring, the provider of the electronic monitoring service shall, by noon of the following day, provide law enforcement agencies within the appropriate jurisdiction all of the following information:

- (1) The name and any aliases used by the monitored individual.
- (2) The physical address or addresses of residence of the monitored individual.
- (3) The name and physical address of place of employment. Further provides that if the monitored individual does not have a fixed place of employment, he shall provide information with as much specificity as possible regarding the places where he works, including but not limited to travel routes used by the monitored offender.
- (4) The pending criminal charges against the monitored individual.
- (5) The reason why the monitored individual has been placed under electronic monitoring.

New law provides that after an individual has been placed under electronic monitoring, the court exercising jurisdiction over the monitored individual shall report the information provided in new law to all law enforcement agencies within its jurisdiction.

New law provides that any provider of an electronic monitoring service who intentionally withholds or intentionally fails to timely report information as required by new law shall be subject to a civil fine of not more than \$1,000 and shall be prohibited from registering to provide electronic monitoring services in La. for a period of five years.

New law provides that the attorney general shall have the authority to pursue the civil fine imposed pursuant to new law and may institute any civil action to prohibit any violator of new law from conducting business in this state for a period of five years.

New law provides that the Integrated Criminal Justice Information System Policy Board, in consultation with the DPS&C, corrections services, the office of state police, the office of the attorney general, the office of information and technology systems, and the LCLE shall evaluate the feasibility of all of the following:

- (1) Development of a statewide system for the use of global position system monitoring and other electronic methods of monitoring as an alternative to incarceration for persons who have been arrested, who are awaiting trial, or who have been convicted.
- (2) Development of guidelines and criteria for contracts between a local government and a person or entity that provides electronic monitoring services.
- (3) Development and maintenance of a centralized registry that can assist the state in the collection of the following data:
 - (a) The number of persons who are electronically monitored by jurisdiction.
 - (b) The number of violations that occur within each jurisdiction.

New law provides that any person or entity who provides electronic monitoring services for the purpose of monitoring, tracking, or supervising pretrial or post-conviction persons within the state of La. shall certify in writing that the provider meets the criteria provided in new law and shall register with the DPS&C no later than Dec. 1, 2024.

New law provides that no person or entity shall provide electronic monitoring services in this state without having first complied with the registration requirements as provided in new law. Further provides that the application for registration shall be submitted on forms provided by the DPS&C and shall contain all the information required by such forms and any accompanying instructions.

New law provides that the DPS&C shall remove from its registry any person or entity that provides electronic monitoring services in this state if the office determines that the person or entity has violated the provisions of new law.

Effective August 1, 2023.

(Amends R.S. 14:110.2(B); Adds R.S. 15:571.36(A)(8)-(11) and (B)-(D) and 835)