

CONFERENCE COMMITTEE REPORT

HB 874

2024 Regular Session

Kerner

May 30, 2024

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 874 by Representative Kerner, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Floor Amendments by Senator Wheat (#3391) be adopted.
- 2. That the set of Senate Floor Amendments by Senator Connick (#4272) be rejected.
- 3. That the following amendments be adopted:

AMENDMENT NO. 1

In Senate Floor Amendment No. 2 by Senator Wheat (#3391), on page 2, line 14, after "to the" and before "court" insert "bail agent on record and the"

AMENDMENT NO. 2

In Senate Floor Amendment No. 2 by Senator Wheat (#3391), on page 2, delete lines 27 through 35 in their entirety and insert the following:

~~"C.D.(1)~~ Any provider of an electronic monitoring service who intentionally withholds or intentionally fails to timely report information as required by this Section shall be subject to a civil fine of not more than one thousand dollars, imprisoned for not more than six months, and shall be prohibited from registering to provide electronic monitoring services in this state for a period of five years.

~~(2) The attorney general shall have the authority to pursue the civil fine imposed pursuant to this Subsection and may institute any civil action to prohibit any violator of this Subsection from providing or registering to provide electronic monitoring services in this state for a period of five years."~~

AMENDMENT NO. 3

In Senate Floor Amendment No. 2 by Senator Wheat (#3391), on page 3, delete lines 13 through 19 in their entirety and insert the following:

"D. 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."

Respectfully submitted,

Representative Timothy P. Kerner

Senator Patrick Connick

Representative John R. Illg, Jr.

Senator John C. "Jay" Morris III

Representative Debbie Villio

Senator William "Bill" Wheat, Jr.

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 874

2024 Regular Session

Kerner

Keyword and oneliner of the instrument as it left the House

CORRECTIONS: Provides relative to electronic monitoring

Report adopts Senate amendments to:

1. Make technical changes.
2. Move proposed law provisions from the Code of Criminal Procedure to Title 15 of the Louisiana Revised Statutes of 1950.
3. Specify that the written policies and procedures developed pursuant to the Administrative Procedure Act apply to electronic monitoring manufacturers as well as providers.
4. Change 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.
5. Relative to alert notifications of certain circumstances involving electronic monitoring equipment, remove provisions of present law that provide that these notifications come from applicable local, municipal, and parish authorities and the office of technology services.
6. Require that the name and contact information of the person or entity providing electronic monitoring services to be entered into the court docket for each case.
7. In addition to the information to be provided to law enforcement agencies by noon as provided in present law, provide the submission of reports by the 10th of each month for the previous month's monitoring activity, by January 15th of each year, and within one day for violations of electronic monitoring conditions.
8. Change the entity with whom a provider of electronic services is required to register with from the DPS&C to the court and the sheriff of the parish where such services are to be provided.
9. Provide that the information to be provided to the court and the sheriff shall include the name of the provider, the principal contact information of the provider, and the primary office address of the provider.
10. Prohibit the following persons from being a vendor, or having a financial interest in a vendor, for electronic monitoring services in this state:
 - (a) Any sheriff.
 - (b) Any district attorney.
 - (c) Any judge.

- (d) An immediate family member of any sheriff, district attorney, or judge.

11. Provide an effective date of January 1, 2025.

Report rejects Senate amendments which would have:

- 1. Removed language relative to the authority of the attorney general to pursue civil fines and institute any civil action to prohibit any violator of proposed law from providing or registering to provide global positioning monitoring systems or other electronic monitoring services in this state for a period of five years.
- 2. Made the fine criminal, rather than civil.
- 3. Added a penalty of imprisonment relative to withholding information.

Report amends the bill to:

- 1. Make technical changes.
- 2. Provide that violations be reported to the bail agent on record, in addition to the court exercising jurisdiction over the defendant.
- 3. Make the fine criminal, rather than civil relative to a violation for withholding information.
- 4. Add a penalty of imprisonment relative to a violation of withholding information.
- 5. Remove language relative to the authority of the attorney general to pursue civil fines and institute any civil action to prohibit any violator of proposed law from providing or registering to provide global positioning monitoring systems or other electronic monitoring services in this state for a period of five years.
- 6. Prohibit elected officials, or any immediate family member of an elected official, from being a vendor, or having a financial interest in a vendor, for electronic monitoring services in this state rather than only sheriffs, district attorneys, judges.

Digest of the bill as proposed by the Conference Committee

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

Proposed law retains present law.

Present law (R.S. 15:571.36(A)) provides 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 shall include a variety of requirements.

Proposed law amends present law to include the development of written policies and procedures for the promulgation of rules for electronic monitoring manufacturers.

Present law (R.S. 15:571.36(A)(10)) provides that one of the requirements shall 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.

Proposed law amends present law to change 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 present law

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

Proposed 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.

Present law (R.S. 15:571.36(B)) provides that when an individual has been placed under electronic monitoring, the provider of the electronic monitoring service services shall, by noon of the following day, provide law enforcement agencies within the appropriate jurisdiction certain information.

Proposed law amends present law to provide 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 bail agent on record and 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 that the monitored individual has been charged with, or convicted of.

- (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 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.

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

Proposed law amends present law to change the entity with whom a provider of electronic services is required to register with from the DPS&C to the court and the sheriff of the parish where such services are to be provided.

Proposed 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.

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

Proposed 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

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