#### 2024 Regular Session

#### HOUSE BILL NO. 874

# BY REPRESENTATIVE KERNER AND SENATORS BARROW, BOUDREAUX, CLOUD, CONNICK, HENRY, JACKSON-ANDREWS, AND STINE

1	AN ACT
2	To amend and reenact R.S. 15:571.36(A)(introductory paragraph) and (A)(10)(introductory
3	paragraph) and (B) through (D) and 835 and to enact R.S. 15:571.36(E), relative to
4	global positioning monitoring systems; to provide for registration; to provide relative
5	to eligibility; to provide for submission of reports; to provide for penalties; to
6	provide for a prohibition; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:571.36(A)(introductory paragraph) and (A)(10)(introductory
9	paragraph) and (B) through (D) and 835 are hereby amended and reenacted and R.S.
10	15:571.36(E) is hereby enacted to read as follows:
11	§571.36. Electronic monitoring equipment
12	A. The Department of Public Safety and Corrections, corrections services,
13	the office of state police, and the Louisiana Commission on Law Enforcement and
14	Administration of Criminal Justice shall develop written policies and procedures in
15	the manner provided in the Administrative Procedure Act for the promulgation of
16	rules governing mandatory requirements for electronic monitoring service providers
17	and manufacturers, including the availability, storage, use of, and operational
18	capacity for electronic monitoring equipment utilized for pretrial, post-conviction,
19	or monitoring, which shall include all of the following requirements:
20	* * *
21	(10) Alert notifications from the applicable local, municipal, and parish
22	authorities and the office of technology services to an authorizing judge or law

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1	enforcement agency to a provider of electronic monitoring services for all of the
2	following:
3	* * *
4	B. When the court has placed an individual under electronic monitoring, the
5	name and contact information of the person or entity providing electronic monitoring
6	services shall be entered in the docket for the case in which the electronic monitoring
7	is ordered.
8	<b>B</b> . <u>C.</u> (1) When an individual has been placed under electronic monitoring,
9	the provider of the electronic monitoring service services shall, by noon of the
10	following day, provide law enforcement agencies within the appropriate jurisdiction
11	all of the following information:
12	(a) The name and any aliases used by the monitored individual.
13	(b) The physical address or addresses of residence of the monitored
14	individual.
15	(c) The name and physical address of place of employment. If the monitored
16	individual does not have a fixed place of employment, he shall provide information
17	with as much specificity as possible regarding the places where he works, including
18	but not limited to travel routes used by the monitored offender.
19	(d) The pending criminal charges against the monitored individual.
20	(e) The reason why the monitored individual has been placed under
21	electronic monitoring.
22	(2) Electronic monitoring service providers shall submit an accurate report
23	to each court exercising jurisdiction over the persons being monitored by the tenth
24	day of each month for the previous month's monitoring activity to include all of the
25	following information:
26	(a) The name and any aliases used by the monitored individual.
27	(b) The date of birth of the monitored individual.
28	(c) The offense that the monitored individual has been charged with, or
29	convicted of.

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1	(3) By January 15 <sup>th</sup> of each year, electronic monitoring service providers
2	shall submit an accurate annual report to each court exercising jurisdiction over any
3	monitored person during the previous calendar year that includes all of the following
4	information:
5	(a) The services offered.
6	(b) The areas served.
7	(c) The number of defendants served.
8	(d) The number of defendants terminated.
9	(e) The reasons for termination.
10	(f) The credentials or qualifications of the provider.
11	(4) When a violation of the defendant's monitoring conditions has occurred,
12	the provider of electronic monitoring services shall report the violation to the bail
13	agent on record and the court exercising jurisdiction over the defendant within one
14	day of the provider's receipt of notice that any of the following involving the
15	electronic monitoring equipment has occurred:
16	(a) Presence in an exclusion zone, which are geographic areas where the
17	defendant is not permitted to visit.
18	(b) Tampering or destruction.
19	(c) Loss of battery power.
20	(d) Loss of communications.
21	(5) After an individual has been placed under electronic monitoring, the
22	court exercising jurisdiction over the monitored individual shall report the
23	information provided in Paragraph (1) of this Subsection to all law enforcement
24	agencies within its jurisdiction.
25	$\underline{C:D.(1)}$ Any provider of an electronic monitoring service who intentionally
26	withholds or intentionally fails to timely report information as required by this
27	Section shall be subject to a eivil fine of not more than one thousand dollars,
28	imprisoned for not more than six months, and shall be prohibited from registering
29	to provide electronic monitoring services in this state for a period of five years.

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#### **ENROLLED**

1	(2) The attorney general shall have the authority to pursue the civil fine
2	imposed pursuant to this Subsection and may institute any civil action to prohibit any
3	violator of this Subsection from providing or registering to provide electronic
4	monitoring services in this state for a period of five years.
5	D. E. The Integrated Criminal Justice Information System Policy Board, in
6	consultation with the Department of Public Safety and Corrections, corrections
7	services, the office of state police, the office of the attorney general, the office of
8	information and technology systems, and the Louisiana Commission on Law
9	Enforcement and Administration of Criminal Justice shall evaluate the feasibility of
10	all of the following:
11	(1) Development of a statewide system for the use of global position system
12	monitoring and other electronic methods of monitoring as an alternative to
13	incarceration for persons who have been arrested, who are awaiting trial, or who
14	have been convicted.
15	(2) Development of guidelines and criteria for contracts between a local
16	government and a person or entity that provides electronic monitoring services.
17	(3) Development and maintenance of a centralized registry that can assist the
18	state in the collection of the following data:
19	(a) The number of persons who are electronically monitored by jurisdiction.
20	(b) The number of violations that occur within each jurisdiction.
21	* * *
22	§835. Registration of electronic monitoring service providers
23	A. Any person or entity who provides electronic monitoring services for the
24	purpose of monitoring, tracking, or supervising pretrial or post-conviction persons
25	within the state shall certify in writing that the provider meets the criteria provided
26	in R.S. 15:571.36 and shall register with the department no later than December 1,
27	2024 court and the sheriff of the parish where the services are to be provided. The
28	information provided to the court and the sheriff shall include all of the following:
29	(1) The name of the provider.
30	(2) The principal contact information of the provider.

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#### (3) The primary office address of the provider.

B. No person or entity shall provide electronic monitoring services in this state without having first complied with the registration requirements as provided in Subsection A of this Section. The application for registration shall be submitted on forms provided by the department <u>court and the sheriff of the parish where the</u> <u>services are to be provided</u> and shall contain all of the information required by such forms and any accompanying instructions.

C. The department <u>court and the sheriff of the parish where the services are</u>
to be provided shall remove from its <u>the</u> registry any person or entity that provides
electronic monitoring services in this state if the department determines <u>court and the</u>
<u>sheriff determine</u> that the person or entity has violated the provisions of <del>R.S.</del>
12 <u>15:571.36(C)</u> <u>R.S. 15:571.36(D)</u>.

 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.

16 Section 2. This Act shall become effective on January 1, 2025.

## SPEAKER OF THE HOUSE OF REPRESENTATIVES

### PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

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