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## DIGEST

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HB 244 Original

2025 Regular Session

Kerner

**Abstract:** Provides relative to electronic monitoring.

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

Proposed law amends present law to define the terms "department", "manufacturer", "provider", and "system".

Present law (R.S. 15:571.36(A)) provides that the Department of Public Safety and Corrections (DPS&C), corrections services, the office of state police, and the La. Comm. on Law Enforcement and Administration of Criminal Justice (LCLE) shall develop written policies and procedures for the promulgation of rules governing mandatory requirements for electronic monitoring service providers and manufacturers, including the availability, storage, use of, and operational capacity for electronic monitoring equipment utilized for pretrial, post-conviction, or monitoring.

Proposed law amends present law to change the rulemaking entity from corrections services within DPS&C to probation and parole services within DPS&C.

Proposed law provides that the promulgated rules shall address the certification standards and registration requirements for providers and manufacturers who render such services in La., as well as the development and maintenance of a centralized database or management system that contains the information of monitored individuals with the capability of authorized users to provide real-time updates of the status of individuals within this database.

Proposed law provides for accessibility of certain information within this system and the capability of the system to simultaneously provide certain information to each authorizing entity about each provider and the individuals placed under electronic monitoring.

Proposed law provides that before rendering electronic monitoring services within La., all manufacturers and providers shall obtain a valid certification from the DPS&C, and register with the DPS&C.

Proposed law provides that all manufacturers and providers shall submit an application for registration and certification on forms provided by the DPS&C and the application shall contain all of the information that is required by such forms and any accompanying instructions.

Proposed law provides that in order to register monitoring equipment and to ensure that such

equipment meets the requirements of present law, manufacturers shall provide all of the following information to the DPS&C:

- (1) The name of the manufacturer.
- (2) The primary office address of the manufacturer.
- (3) The principal contact information of the manufacturer.
- (4) An email address associated with the manufacturer.
- (5) The name, model number, and capabilities of all equipment being used in La.

Proposed law provides that manufacturers who acquire new equipment shall notify the DPS&C and sign a statement swearing that the equipment meets the requirements of present law before using such equipment in this state.

Proposed law provides that any provider who obtains updated equipment or offers new services in La. shall do the following before usage:

- (1) Register such equipment with the DPS&C.
- (2) Notify the DPS&C of the new services that the provider is offering.

Proposed law provides that when a monitored individual has been removed from global positioning system tracking, the provider shall update the system within one day with the date of unenrollment and the reason for unenrollment.

Proposed law provides that manufacturers and providers shall provide the DPS&C with any update pertaining to a change in name, physical address, phone number, or email address within 15 days of such change.

Proposed law provides for the following duties of providers:

- (1) Employ staff support on a daily and nightly basis throughout the entire year, inclusive of weekends and holidays, with the ability to coordinate with law enforcement agencies to maintain public safety and preserve potential criminal investigations.
- (2) Input the information of each monitored individual within the system before affixing any monitoring equipment to the individual.
- (3) Maintain a bail bond producer license as required by present law (Part I of Ch 5 of Title 22 of the La. Revised Statutes of 1950) if the provider is not P.O.S.T. certified or P.O.S.T. qualified. Further provides for the assignment of arrest powers from the surety to the duly licensed provider to enforce the orders of the authorizing entity upon the posting of bail.

- (4) Effectively monitor and enforce the conditions set by a judge, surety, or any law, through the arrest powers provided in present law (C.Cr.P. Art. 331).
- (5) Monitor and promptly respond to alerts on a daily and nightly basis throughout the entire year, inclusive of weekends and holidays, with the ability to coordinate with law enforcement agencies to maintain public safety and preserve potential criminal investigations.
- (6) Submit reports that include but are not limited to violation reports, court reports, and proximity reports, to all authorizing entities that have jurisdiction over an offender upon request.

Proposed law provides that the DPS&C may take any action provided in proposed law to discipline any provider who fails to comply with the provisions of proposed law.

Present law (R.S. 15:571.36(C)(1)) provides that when an individual has been placed under electronic monitoring, the provider of the electronic monitoring services shall, by noon of the following day, provide certain information to law enforcement agencies within the appropriate jurisdiction.

Proposed law amends present law to remove both the time frame for reporting and the name and physical address of the monitored individual's place of employment among the information to be provided. Further requires the provider of the electronic monitoring services to enter certain information into the management system before an individual is placed under electronic monitoring.

Proposed law retains the information contained in present law that electronic monitoring services are required to provide and adds conditions set by the court as further information to be entered into the system.

Present law (R.S. 15:571.36(C)(2)) provides that electronic monitoring service providers shall submit an accurate report to each court exercising jurisdiction over the persons being monitored by the 10th day of each month for the previous month's monitoring activity to include certain information.

Present law (R.S. 15:571.36(C)(3)) provides that by Jan. 15th of each year, electronic monitoring service providers shall submit an accurate annual report to each court exercising jurisdiction over any monitored person during the previous calendar year that includes certain information relative to the services offered, areas served, the defendants who are served or terminated, and the credentials or qualifications of the provider.

Proposed law removes these provisions of present law.

Proposed law provides that before affixing any monitoring device or equipment to a monitored individual, the provider shall inform the DPS&C of all of the following:

- (1) The name and any aliases used by the monitored individual.

- (2) The date of birth and country of birth of the monitored individual, if known.
- (3) The physical residence address or addresses of the monitored individual.
- (4) The phone number of the monitored individual, if known.
- (5) The court information of the monitored individual including jurisdiction, section or docket, case number, and next available court date, if known.
- (6) The reason why the monitored individual has been placed under electronic monitoring.
- (7) The pending criminal charges against the monitored individual.
- (8) A detailed description of the device installed, such as the serial number, model number, other associated identifiers, and the manufacturer.
- (9) The release conditions of the monitored individual.
- (10) A photograph of the monitored individual.

Present law (R.S. 15:571.36(C)(4)) provides for the reporting of violations when a violation of the defendant's monitoring conditions has occurred.

Proposed law retains present law and changes the term "defendant" to "individual".

Present law (R.S. 15:571.36(C)(5)) 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 present law to all law enforcement agencies within its jurisdiction.

Proposed law amends present law to provide that the court exercising jurisdiction over the monitored individual shall ensure that the information provided in present law is entered accurately into the management system and made available to all law enforcement agencies within its jurisdiction.

Proposed law provides that the DPS&C shall do all of the following to implement the provisions of present law:

- (1) Ensure that manufacturers and providers have complied with the requirements of present law.
- (2) Make the registry available to all officers of the court and every law enforcement agency with the capability to search for all of the following information:
  - (a) The name, address, phone number, and the email address of every manufacturer and provider operating within this state.
  - (b) The type of equipment used, inclusive of the model name and model number.

- (c) A list of pretrial offenders being monitored.
- (d) A list of post-conviction offenders being monitored.
- (3) Ensure the accessibility of manufacturers, providers, law enforcement, and authorizing entities to the registry within 24 hours of registration.
- (4) Develop, maintain, and operate the Monitored Individual Management System and perform any other functions as needed to ensure the continuous operation of the system.
- (5) Ensure that the following information from the system is available to both authorizing entities and the public:
  - (a) The number of individuals who are being monitored per jurisdiction.
  - (b) The number of actual violations that have occurred per violation.
  - (c) The number of unenrollments and the reasons for these unenrollments.
- (6) Take any or all of the following actions if the DPS&C determines that a provider has violated the provisions of present law, rendered electronic monitoring services in this state without a valid certification from the department, or intentionally failed to comply with the provisions of proposed law:
  - (a) Removal of the provider from the registry.
  - (b) Revocation of the provider's certification to render services in this state.
  - (c) Removal of the provider's access to the Monitored Individual Management System.

Proposed law provides that an attorney at law, judge, ministerial officer of a court, or any law enforcement officer or peace officer shall be prohibited from being a provider, or having a financial interest in a provider, for electronic monitoring services in this state.

Present law (R.S. 15:571.36(D)) provides penalties for any provider of an electronic monitoring service who intentionally withholds or intentionally fails to timely report information as required by present law.

Proposed law retains present law and provides that the five-year prohibition from registering to provide electronic monitoring services in La. applies to certification to render these services in La. as well.

Present law (R.S. 15:571.36(E)) provides that the Integrated Criminal Justice Information System Policy Board, in consultation with corrections services and the office of state police within the DPS&C, 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 positioning 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 data pertaining to the number of persons who are electronically monitored by jurisdiction and the number of violations that occur within each jurisdiction.

Proposed law amends present law to change the entity within DPS&C from corrections services to probation and parole services.

Proposed law removes the following processes from the feasibility evaluation:

- (1) Development of a statewide system for the use of global positioning 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 and maintenance of a centralized registry that can assist the state in the collection of data pertaining to the number of persons who are electronically monitored by jurisdiction and the number of violations that occur within each jurisdiction.

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

Proposed law repeals present law.

(Amends R.S. 15:571.36; Repeals R.S. 15:835)