

2025 Regular Session

SENATE BILL NO. 95

BY SENATOR CLOUD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL PROCEDURE. Provides relative to electronic monitoring of certain offenders.
(8/1/25)

AN ACT

To amend and reenact the introductory paragraph of R.S. 15:571.36(C)(4) and 571.36(D) and to enact R.S. 15:571.36(A)(12), 571.37, and 571.38, relative to electronic monitoring of certain criminal defendants; to provide relative to notifications of noncompliance; to provide relative to penalties; to provide for program costs and maintenance; to provide for termination of electronic monitoring; to provide for certification and registration of electronic monitoring service providers and manufacturers; to create the crime of violation of electronic monitoring conditions; to provide for the elements of the offense; to provide definitions and penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 15:571.36(C)(4) and 571.36(D) are hereby amended and reenacted and R.S. 15:571.36(A)(12), 571.37, and 571.38 are hereby enacted to read as follows:

§571.36. Electronic monitoring equipment

A. The Department of Public Safety and Corrections, corrections services, the office of state police, and the Louisiana Commission on Law Enforcement and

Administration of Criminal Justice shall develop written policies and procedures in the manner provided in the Administrative Procedure Act 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, which shall include all of the following requirements:

* * *

(12) The certification standards and registration requirements for electronic monitoring providers and manufacturers who render electronic monitoring services in this state.

* * *

C.(1) When an individual has been placed under electronic monitoring, the provider of the electronic monitoring services shall, by noon of the following day, provide law enforcement agencies within the appropriate jurisdiction all of the following information:

* * *

(4) When a violation of the defendant's monitoring conditions has occurred, the provider of electronic monitoring services shall report the violation to the bail agent on record, **the district attorney for the parish of prosecution or the attorney general, if acting as district attorney ad hoc,** and the court exercising jurisdiction over the defendant within one day of the provider's receipt of notice that any of the following involving the electronic monitoring equipment has occurred:

* * *

D. 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 fine of~~ **fined** not more than one thousand dollars **per each day of a violation, not to exceed ten thousand dollars per instance or individual monitored, or** imprisoned for not more than six months, and shall be prohibited from registering to provide electronic monitoring services in this state for

1 a period of five years.

2 * * *

3 **§571.37. Electronic monitoring programs**

4 **A. The court shall impose any condition necessary to further the**
5 **rehabilitation of a person released subject to electronic monitoring, including**
6 **maintaining employment and compliance with inclusion and exclusion zones as**
7 **defined in R.S. 15:571.38. In the case of a juvenile, the conditions may include**
8 **staying in school, participating in after-school activities, or being subject to a**
9 **curfew.**

10 **B. The cost for an adult participating in an electronic monitoring**
11 **program shall be borne by the person being monitored. The court shall waive**
12 **the cost of electronic monitoring in a juvenile matter.**

13 **C. As a condition of electronic monitoring, and notwithstanding any**
14 **other provision of law, a person subject to electronic monitoring, including a**
15 **juvenile, shall:**

16 **(1) Maintain the monitoring equipment in normal working order**
17 **including but not limited to keeping the monitoring equipment charged.**

18 **(2) Consent to a period of detention by the law enforcement authority of**
19 **the applicable jurisdiction, without prior notice or court order, not to exceed six**
20 **hours for the purpose of charging, recharging, or repairing the monitoring**
21 **equipment if the signal is interrupted.**

22 **D. Electronic monitoring providers operating in this state shall actively**
23 **monitor any person subject to electronic monitoring for compliance and report**
24 **any violation in accordance with R.S. 15:571.36. Daily noncompliance reports**
25 **shall be provided to the district attorney regarding the person being monitored.**

26 **E.(1) Upon a finding of noncompliance, the court may, either on its own**
27 **motion or that of the district attorney, issue a warrant for the arrest of a person**
28 **subject to electronic monitoring.**

29 **(2) A person arrested pursuant to a warrant issued pursuant to**

1 Paragraph (1) of this Subsection shall be held in custody until a hearing is
2 conducted to determine if the person can and will comply with all electronic
3 monitoring restrictions.

4 (3) The court shall terminate a person's participation in an electronic
5 monitoring program, and remand him to state custody for an adult or to the
6 appropriate pretrial facility for a juvenile, after his third finding of
7 noncompliance by the court.

8 §571.38. Violation of electronic monitoring conditions

9 A. It shall be unlawful for any person who is placed on electronic
10 monitoring supervision pursuant to this Part, or any other provision of law, to
11 intentionally do any of the following:

12 (1) Enter an exclusion zone.

13 (2) Fail to immediately exit an exclusion zone.

14 (3) Violate a curfew order.

15 B.(1) Whoever violates Subsection A of this Section shall be fined not
16 more than five hundred dollars, imprisoned for not more than six months, or
17 both.

18 (2) Whoever commits a felony while violating Subsection A of this
19 Section shall be fined not more than one thousand dollars and shall be
20 imprisoned, at hard labor, for one year.

21 (3) Whoever violates Subsection A of this Section, after being released
22 on bail for a felony crime of violence as defined by R.S. 14:2(B), shall be fined
23 not more than one thousand dollars and shall be imprisoned, at hard labor, for
24 one year.

25 C. As used in this Section:

26 (1) "Curfew" means a specified time period defined by court order
27 during which a person is required to either be, or not be, in a specific location.

28 (2) "Exclusion zone" means a specified geographic area defined by court
29 order that a person is prohibited from entering or remaining.

1 **(3) "Inclusion zone" means a specified geographic area defined by court**

2 **order in which a person is either allowed or required to be.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 95 Reengrossed

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Cloud

Present law requires certain state agencies to develop written polices and procedures relative to electronic monitoring that include enumerated present law requirements.

Proposed law retains present law and adds certification standards and registration requirements for electronic monitoring to the present law list of items that require promulgation of written polices and procedures.

Present law requires a provider of electronic monitoring services to notify both the bail agent on record and the court within 24 hours if a monitoring violation occurs.

Proposed law retains present law and adds the district attorney for the parish of prosecution, or the attorney general if acting as the district attorney ad hoc, to the present law list of people to be notified.

Present law provides that a provider of electronic monitoring who either intentionally withholds or intentionally fails to timely report required information will be prohibited from registering to provide monitoring services in La. for a period of five years, fined an amount not to exceed \$1,000, and imprisoned for a period not to exceed six months.

Proposed law provides that the present law penalty be changed from a fine not to exceed \$1,000 and imprisonment for a period not to exceed six months to a fine not to exceed \$1,000 per day, but not to exceed \$10,000 per instance or individual monitored or imprisonment for a period not to exceed six months.

Proposed law otherwise retains present law.

Proposed law provides that:

- (1) The court will impose any condition necessary to further the rehabilitation of a person subject to electronic monitoring including maintaining a job and compliance with inclusion or exclusion zones or, if the person is a juvenile, the ability to stay in school, participate in after-school activities, or be subject to a curfew.
- (2) An adult subject to electronic monitoring will be responsible for paying the cost of monitoring.
- (3) The court will waive costs associated with electronic monitoring in juvenile cases.
- (4) The person subject to electronic monitoring must charge and maintain the monitoring equipment in normal working order.
- (5) The person subject to electronic monitoring must consent to a period of detention, not to exceed six hours, by the law enforcement authority of the applicable jurisdiction, without prior notice or court order, for the purpose of charging, recharging, or repairing the monitoring equipment if the signal is interrupted.

- (6) Electronic monitoring providers in La. must actively monitor any person subject to electronic monitoring and report all violations in compliance with present law as well as provide daily noncompliance reports to the district attorney.

Proposed law provides that court may, upon a finding of noncompliance, either on its own motion or that of the district attorney, issue a warrant for the arrest of a person subject to electronic monitoring. Proposed law also provides that a person arrested pursuant to a proposed law warrant will be held in custody until a hearing is conducted. Proposed law also provides that a person subject to electronic monitoring who is found noncompliant three times will be removed from an electronic monitoring program and remanded to either state custody, if he is an adult, or to the appropriate pretrial facility, if he is a juvenile.

Proposed law creates the crime of violation of electronic monitoring conditions and makes it a crime for any person placed on electronic monitoring to intentionally:

- (1) Enter an exclusion zone.
- (2) Fail to immediately exit an exclusion zone.
- (3) Violate a curfew order.

Proposed law provides definitions relative to proposed law and provides that a person convicted of violating proposed law will be fined not more than \$500, imprisoned for not more than six months, or both.

Proposed law provides that a person convicted of a felony while violating proposed law will be fined not more than \$1,000 and imprisoned, at hard labor, for one year.

Proposed law provides that a person convicted of violating proposed law after being released on bail for a felony crime of violence will be fined not more than \$1,000 and imprisoned, at hard labor, for one year.

Effective August 1, 2025.

(Amends R.S. 15:571.36(C)(4)(intro para) and 571.36(D); adds R.S. 15:571.36(A)(12), 571.37, and 571.38)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Make technical changes.
2. Require certain state agencies to promulgate written policies and procedures regarding certification standards and registration requirements for electronic monitoring.
3. Provide that the proposed law fine cannot exceed \$10,000 per instance or individual monitored.
4. Require parents of a juvenile subject to electronic monitoring to pay the costs associated with their child's electronic monitoring.
5. Authorize the court to waive electronic monitoring costs either in whole or part.
6. Change proposed law relative to detaining an offender for maintenance of

electronic monitoring equipment from detainment by the electronic monitoring company to detainment by the law enforcement authority.

7. Create the crime of violation of electronic monitoring conditions.

Senate Floor Amendments to engrossed bill

1. Make technical changes.
2. Waive certain costs in juvenile matters.
3. Increase procedural requirements.
4. Provide for juvenile detention in certain circumstances.