

2026 Regular Session

HOUSE BILL NO. 123

BY REPRESENTATIVE BAYHAM

CRIMINAL/JUSTICE: Provides relative to electronic monitoring

1

AN ACT

2 To amend and reenact R.S. 15:571.36(A)(introductory paragraph), (C)(1)(introductory
3 paragraph), (2)(introductory paragraph), (3)(introductory paragraph), and
4 (4)(introductory paragraph), and (D), to enact R.S. 15:571.36(F) and (G) and 571.39,
5 and to repeal R.S. 15:571.36(C)(5) and 835, relative to electronic monitoring; to
6 provide for rulemaking; to provide for submission of reports; to provide for
7 penalties; to provide relative to the disclosure of certain information; to provide for
8 definitions; to provide for the duties of the Louisiana Commission on Law
9 Enforcement and Administration of Criminal Justice; to provide for the registration
10 of electronic monitoring service providers; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:571.36(A)(introductory paragraph), (C)(1)(introductory
13 paragraph), (2)(introductory paragraph), (3)(introductory paragraph), and (4)(introductory
14 paragraph), and (D) are hereby amended and reenacted and R.S. 15:571.36(F) and (G) and
15 571.39 are hereby enacted to read as follows:

16 §571.36. Electronic monitoring equipment

17 A. The ~~Department of Public Safety and Corrections, corrections services,~~
18 ~~the office of state police, and the~~ Louisiana Commission on Law Enforcement and
19 Administration of Criminal Justice, hereinafter referred to as the "commission", shall
20 develop written policies and procedures in the manner provided in the

1 Administrative Procedure Act for the promulgation of rules governing mandatory
2 requirements for electronic monitoring service providers and manufacturers,
3 including the availability, storage, use of, and operational capacity for electronic
4 monitoring equipment utilized for pretrial, post-conviction, or monitoring, which
5 shall include all of the following requirements:

* * *

7 C.(1) When an individual has been placed under electronic monitoring, the
8 provider of the electronic monitoring services shall, by noon of the following day,
9 provide ~~law enforcement agencies within the appropriate jurisdiction and the~~
10 prosecuting authority the commission with all of the following information:

* * *

12 (2) Electronic monitoring service providers shall submit an accurate report
13 to each court exercising jurisdiction over the persons being monitored and the
14 prosecuting authority, the commission by the tenth day of each month for the
15 previous month's monitoring activity to include with all of the following information:

* * *

* * *

22 (4) When a violation of the defendant's monitoring conditions has occurred,
23 the provider of electronic monitoring services shall report the violation to the bail
24 agent on record, the law enforcement agencies within the appropriate jurisdiction,
25 and the prosecuting authority, ~~and the court exercising jurisdiction over the~~
26 defendant immediately but in no event not longer than thirty minutes from the
27 provider's verification of a notice of violation that any of the following involving the
28 electronic monitoring equipment has occurred:

* * *

* * *

9 F. Any person or agency in possession of personal information of the
10 monitored individual that is obtained pursuant to Subsection C of this Section shall
11 implement and maintain reasonable security procedures and practices appropriate to
12 the nature of the information to protect the personal information from unauthorized
13 access, destruction, use, modification, or disclosure.

14 G. Except as provided in Subsection C of this Section, no employee of a
15 state agency, law enforcement agency, or prosecuting authority shall intentionally
16 release, disseminate, or publish any personal information of the monitored
17 individual. Any person who violates the provisions of this Subsection shall be fined
18 not more than five thousand dollars, imprisoned with or without hard labor for not
19 more than one year, or both.

§571.39. Registration of electronic monitoring service providers

21 A. For the purposes of this Section, the following terms have the following
22 meanings:

1 (a) Registration of every electronic monitoring service provider operating
2 in this state.

3 (b) Receipt of monthly and annual reports.

4 (c) Enforcement and discipline of providers.

5 (2) The commission shall implement and maintain reasonable security
6 procedures and practices appropriate to the nature of the information to protect the
7 personal information of monitored individuals within the central repository from
8 unauthorized access, destruction, use, modification, or disclosure.

9 C. Any electronic monitoring service provider that operates in this state shall
10 both register with the commission and certify in writing that the provider meets the
11 criteria provided in R.S. 15:571.36. The application for registration shall be
12 submitted on forms provided by the commission and shall contain all of the
13 information required by such forms and any accompanying instructions.

14 D. A provider shall, after notice and a hearing conducted in accordance with
15 the Administrative Procedure Act, be removed from the registry and prohibited from
16 registering to provide electronic monitoring services in this state for a period of five
17 years from the date of removal if the commission determines that a violation of R.S.
18 15:571.36(D) has occurred.

19 E. The commission shall promulgate rules in the manner provided in the
20 Administrative Procedure Act to implement the provisions of this Section.

21 Section 2. R.S. 15:571.36(C)(5) and 835 are hereby repealed in their entirety.

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)]

HB 123 Original

2026 Regular Session

Bayham

Abstract: Provides relative to electronic monitoring.

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

Proposed law retains present law.

Present law requires the Dept. of Public Safety and Corrections (DPS&C), corrections services, office of state police, and La. Commission on Law Enforcement and Administration of Criminal Justice (LCLE) to promulgate rules in accordance with the ADA pertaining to electronic monitoring equipment service providers, manufacturers, and equipment.

Proposed law amends present law to remove DPS&C as an agency that is responsible for rulemaking.

Present law requires electronic monitoring service providers to submit certain information to law enforcement agencies within the appropriate jurisdiction and the prosecuting authority when an individual has been placed under electronic monitoring.

Proposed law amends present law to change the recipient from law enforcement and the prosecuting authority to the LCLE.

Proposed law requires electronic monitoring service providers to submit an accurate report to each court exercising jurisdiction over the persons being monitored and the prosecuting authority by the 10th day of each month for the previous month's monitoring activity.

Proposed law amends present law to change the recipient from the court to the LCLE.

Proposed law requires electronic monitoring service providers to submit an accurate annual report to each court exercising jurisdiction over any monitored person during the previous calendar year by Jan. 15th of each year.

Proposed law amends present law to change the recipient from the court to the LCLE.

Present law requires electronic monitoring service providers to report a violation to the bail agent on record, the law enforcement agencies within the appropriate jurisdiction, the prosecuting authority, and the court exercising jurisdiction over the defendant immediately but in no event not longer than 30 minutes from the provider's verification that a violation of the defendant's monitoring conditions has occurred.

Proposed law amends present law to remove the court as a recipient of these reports.

Present law (R.S. 15:571.36(C)(5)) requires the court exercising jurisdiction over a monitored individual to report the information provided in present law to all law enforcement agencies within its jurisdiction after an individual has been placed under electronic monitoring.

Proposed law repeals present law.

Present law provides a penalty consisting of a fine of not more than \$1,000 per each day of a violation, not to exceed \$10,000 per instance or individual monitored, or imprisonment for not more than six months, and a prohibition from registering to provide electronic monitoring services in the state of La. for a period of five years.

Proposed law amends present law to remove the registration prohibition and changes the penalty to imprisonment with or without hard labor for not more than one year.

Proposed law requires any person or agency in possession of personal information of the monitored individual implement and maintain reasonable security procedures and practices to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

Proposed law prohibits certain individuals from intentionally releasing, disseminating, or publishing any personal information of the monitored individual except as provided in

present law and punishes such conduct with a fine of not more than \$5,000, imprisonment with or without hard labor for not more than one year, or both.

Proposed law defines the terms "commission" and "electronic monitoring service provider" or "provider".

Proposed law requires the LCLE to do the all of the following:

- (1) Develop and maintain a central repository that can perform various functions pertaining to registration, reporting, and enforcement involving electronic monitoring service providers operating in the state of La.
- (2) Implement and maintain reasonable security procedures and practices to protect the personal information of monitored individuals within the central repository from unauthorized access, destruction, use, modification, or disclosure.
- (3) Promulgate rules in accordance with the ADA to implement the provisions of proposed law.

Proposed law requires any electronic monitoring service provider that operates in the state of La. to register with the commission and certify in writing that the provider meets the criteria provided in present law (R.S. 15:571.36). Further provides for the application method and information to be provided.

Proposed law requires the removal of a provider from the registry and a prohibition from registering in the state of La. for a period of five years from the date of removal if the LCLE determines that a provider has intentionally withheld or intentionally failed to timely report information required by present law (R.S. 15:571.36).

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

Proposed law repeals present law.

(Amends R.S. 15:571.36(A)(intro. para.), (C)(1)(intro. para.), (2)(intro. para.), (3)(intro. para.), and (4)(intro. para.), and (D); Adds R.S. 15:571.36(F) and (G) and 571.39; Repeals R.S. 15:571.36(C)(5) and 835)