

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:

6 \* \* \*

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:

11 \* \* \*

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:

16 \* \* \*

17 (3) By January fifteenth of each year, electronic monitoring service providers  
18 shall submit an accurate annual report to ~~each court exercising jurisdiction over any~~  
19 ~~monitored person during the previous calendar year~~ the commission that includes all  
20 of the following information:

21 \* \* \*

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:

29 \* \* \*

1           D. Any provider of an electronic monitoring service who intentionally  
2           withholds or intentionally fails to timely report information as required by this  
3           Section shall be fined not more than one thousand dollars per each day of a violation,  
4           not to exceed ten thousand dollars per instance or individual monitored, or  
5           imprisoned with or without hard labor for not more than ~~six months~~, and shall be  
6           ~~prohibited from registering to provide electronic monitoring services in this state for~~  
7           ~~a period of five years~~ one year.

8   \*       \*       \*

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.

20          §571.39. Registration of electronic monitoring service providers

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

23                  (1) "Commission" means the Louisiana Commission on Law Enforcement  
24                  and Administration of Criminal Justice.

25                  (2) "Electronic monitoring service provider" or "provider" means any person  
26                  or entity who offers electronic monitoring services for the purpose of monitoring,  
27                  tracking, or supervising pretrial or post-conviction persons within this state.

28                  B.(1) The commission shall develop and maintain a central repository  
29                  capable of performing all of the following:

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.

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#### 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)]

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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 10<sup>th</sup> 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. 15<sup>th</sup> 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)