

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 159**

**2026 Regular Session**

**Jackson**

CRIMINAL/SENTENCING: Creates a pretrial incarceration alternative pilot program in Caddo Parish

### Synopsis of Senate Amendments

1. Changes the recipient of the report relative to the pilot program from the Senate Committee on Judiciary B to the Senate Committee on Judiciary C.
2. Requires the sheriff to ensure the defendant participates in behavioral health checks with a licensed mental health provider if the risk assessment conducted pursuant to proposed law identifies behavioral health factors reasonably related to supervision or compliance risk.
3. Provides for monthly, rather than periodic, behavioral health checks of the defendant.
4. Modifies relative to the limitation of liability as it pertains to harm caused by a program participant.
5. Provides an exception to the limitation of liability if the plaintiff, by clear and convincing evidence, proves that certain circumstances have occurred relative to the program's administration and acts of a program participant.
6. Makes technical changes.

### Digest of Bill as Finally Passed by Senate

Proposed law authorizes the Caddo Parish Sheriff's Office, not later than Jan. 1, 2027, to implement a pilot program using active electronic monitoring of eligible defendants as an alternative mode of incarceration to traditional imprisonment.

Proposed law provides for eligibility conditions that include the criminal offense that the defendant is charged with along with determinations and risk assessments made by the Caddo Parish Sheriff's Office.

Proposed law requires the Caddo Parish Sheriff's Office to develop, adopt, and implement rules and regulations for the program and provides for criteria to be included in the rules and regulations.

Proposed law requires the sheriff, as a condition of the defendant's participation in the program, to ensure the defendant participates in monthly behavioral health checks with a licensed mental health provider if the risk assessment conducted pursuant to proposed law identifies behavioral health factors reasonably related to supervision or compliance risk.

Proposed law describes what constitutes "compliance" and provides for termination of participation in the program if the defendant fails to comply.

Proposed law requires that notice be provided to the defendant in writing of the conditions imposed for participation in the program and requires that the defendant agree in writing to the conditions. Further provides that participation in the program does not in any way negate or nullify the bail obligations as set by the court.

Proposed law requires any electronic monitoring provider who is chosen or contracted with

to enforce proposed law to comply with the provisions of present law (R.S. 15:571.36 and 571.37).

Proposed law prohibits a defendant from being admitted to the program prior to collaboration and coordination between the court, the sheriff, and the district attorney for approval of the defendant's participation in the program and permits the court, at any time on its own motion, to prohibit or terminate the initial or continued participation of a defendant in the program.

Proposed law entitles the sheriff to the collection of a sum of not less than the per diem fee authorized by present law (R.S. 13:5535(1)) to be applied to the funding of the program upon negotiation and agreement with the parish governing authority.

Proposed law further permits the sheriff to establish a fee, subject to agreement with the parish governing authority and the sheriff, and provides that funds obtained pursuant to proposed law are not considered surplus funds.

Proposed law permits the sheriff to apply for funding and grants from any source he deems appropriate for administration of the program and to engage in cooperative endeavor agreements with other government agencies or departments or nonprofit organizations whose missions are compatible with the goals and objectives of the program.

Proposed law permits the sheriff to terminate the participation of any defendant in the program for failure to comply with the conditions of the program and requires the physical return of the defendant to the parish jail or any other facility as the sheriff deems appropriate for the purpose of continuing the pretrial detention of the defendant.

Proposed law provides for a list of expenses, relative to the defendant's participation in the program, that are not the responsibility of the sheriff or the parish governing authority.

Proposed law provides for an evaluation of the program, reporting requirements pertaining to the program, recipients of the report, and a termination date for the program that is contingent on the construction or renovation of certain facilities or structures in Caddo Parish.

Proposed law provides for a limitation of liability as it pertains to harm caused by a program participant unless the plaintiff, by clear and convincing evidence, proves that certain circumstances have occurred relative to the program's administration and acts of a program participant.

Proposed law further provides for a phasing out of participants upon termination of the program.

(Adds R.S. 15:571.35.2)