

ACT No. 784

2026 Regular Session

HOUSE BILL NO. 159

BY REPRESENTATIVE JACKSON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

To enact R.S. 15:571.35.2, relative to incarceration; to authorize the Caddo Parish Sheriff's Office to establish a pilot program utilizing home incarceration and electronic monitoring; to provide criteria for eligibility for participation in such program; to require the development of rules and regulations for the development, implementation, and administration of such program; to provide for applicability; to require the inclusion of certain conditions within the rules and regulations; to provide for a limitation of liability; to require an evaluation of the program and a report regarding the program to be provided to certain legislative committees; to provide for termination of the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.35.2 is hereby enacted to read as follows:

§571.35.2. Pilot program; Caddo Parish Pretrial Home Incarceration Program; electronic monitoring

A. The Caddo Parish Sheriff's Office may implement a pilot program using active electronic monitoring of defendants who are eligible pursuant to the provisions of this Section as an alternative mode of incarceration to traditional imprisonment. This program shall be referred to as the Caddo Parish Pretrial Home Incarceration Program.

B. A defendant may be eligible for participation in the program if he meets all of the following conditions:

(1) The defendant has not been charged with a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

1 (2) The Caddo Parish Sheriff's Office has determined that the particular
2 defendant is likely to respond in an affirmative manner to participation in the
3 program.

4 (3) The Caddo Parish Sheriff's Office, in coordination with the district
5 attorney and district court, has interviewed the defendant and has made a risk
6 assessment determination that the defendant is eligible for participation in the
7 program. The Caddo Parish Sheriff's Office shall forward the risk assessment to the
8 court for use as the court may deem proper.

9 C.(1) The Caddo Parish Sheriff's Office shall develop, adopt, and implement
10 rules and regulations for the development, implementation, and administration of the
11 program. Such rules and regulations shall include but not be limited to all of the
12 following:

13 (a) Supervision of the defendant and conditions required for participation in
14 the program. The conditions may include any condition reasonably related to the
15 program, including curfew, home visitations by persons designated by the sheriff,
16 and limitations of the activities of the defendant outside of the home.

17 (b) The use of electronic monitoring devices.

18 (c) Requirements that a defendant obtain employment and pay a reasonable
19 supervision fee to the supervising agency to defray the cost of his supervision and
20 the cost of the required electronic monitoring.

21 (d) Participation eligibility of indigent defendants and the sharing of costs
22 for monitoring indigent defendants, in collaboration with the Caddo Parish
23 Commission. Such rules may provide for a sliding scale of payment so that a
24 defendant who is able to pay a portion, but not all, of such costs may be required to
25 pay such portion.

26 (e) The establishment of a bid process, in compliance with the public bid law
27 of this state, for the selection of electronic monitoring providers to administer the
28 program.

1 (f) Qualifications for participating electronic monitoring providers, including
2 but not limited to the requirement that providers have general liability insurance in
3 an amount of not less than one million dollars.

4 (2) The sheriff shall require the defendant, as a condition of participation in
5 the program, to participate in monthly behavioral health checks with a licensed
6 mental health provider if the risk assessment conducted pursuant to Subsection B of
7 this Section identifies behavioral health factors that are reasonably related to
8 supervision or compliance risk. For purposes of this Subsection, "compliance" shall
9 consist of verification of attendance. Failure of the defendant to comply with the
10 provisions of this Paragraph may result in termination of participation in the program
11 if the failure is determined to be willful and not the result of lack of service
12 availability.

13 (3) The defendant shall be given notice in writing of the conditions imposed
14 and shall agree in writing to the conditions.

15 (4) Participation in the program does not negate or nullify the bail
16 obligations as set by the court.

17 (5) Any electronic monitoring provider who is chosen or contracted with to
18 enforce the provisions of this Section shall comply with the provisions of R.S.
19 15:571.36 and 571.37.

20 D.(1) No defendant shall be admitted to the program prior to collaboration
21 and coordination between the court, the sheriff, and the district attorney for approval
22 of the defendant's participation in the program.

23 (2) Notwithstanding any other provision of law to the contrary, the court, at
24 any time on its own motion, may prohibit or terminate the initial or continued
25 participation of a defendant in the program.

26 E.(1) Upon negotiation and agreement with the parish governing authority,
27 the sheriff may collect a sum of not less than the per diem fee authorized by R.S.
28 13:5535(1) to apply to the funding of the program. In lieu of the per diem, the
29 sheriff may establish a fee which is agreed upon by the parish governing authority

1 and the sheriff. Funds obtained pursuant to this Subsection shall not be considered
2 surplus funds.

3 (2) The sheriff may apply for funding and grants from any source he deems
4 appropriate to develop, design, implement, administer, and evaluate the program.

5 (3) The sheriff may engage in cooperative endeavor agreements with other
6 government agencies or departments and with any nonprofit organization whose
7 mission is compatible with the goals and objectives of the program.

8 F. The sheriff may terminate the participation of any defendant in the
9 program who fails to comply with the conditions of the program and require the
10 physical return of the defendant to the parish jail or any other facility as the sheriff
11 deems appropriate for the purpose of continuing the pretrial detention of the
12 defendant.

13 G. The sheriff or the parish governing authority shall not be responsible for
14 any of the following as it relates to a defendant in the program:

15 (1) Medical costs or the provision of medical care.

16 (2) Transportation costs or the provision of transportation.

17 (3) Housing costs or the provision of housing.

18 (4) Food costs or the provision of food.

19 (5) Clothing costs or the provision of clothing.

20 H.(1) The pilot program established pursuant to the provisions of this
21 Section shall be evaluated with regard to security, beneficial and detrimental effects
22 on the prisoner, projected probable effects on deterrence, costs, labor intensiveness,
23 and other relevant measures of effectiveness. Such evaluation shall provide the
24 required information on a project basis as well as in comparison with traditional
25 imprisonment.

26 (2) A report of the evaluation of the program shall be presented to all of the
27 following:

28 (a) The House Committee on Administration of Criminal Justice.

29 (b) The Senate Committee on Judiciary C.

1 (c) Members of the North Louisiana Legislative Delegation who represent
2 Caddo Parish.

3 (d) The Caddo Parish Commission.

4 (3) Unless otherwise terminated by appropriate legislative action, the pilot
5 program shall begin a termination process not later than sixty days after the date in
6 which either of the following occur in Caddo Parish:

7 (a) A larger parish jail is constructed, opened, and occupied.

8 (b) A new structure is built or an existing structure is renovated that
9 materially expands capacity of the parish jail.

10 (4) If either of the conditions of Paragraph (3) of this Subsection have been
11 satisfied, no new participants shall be admitted to the program. Except as otherwise
12 provided in this Section, any participants in the program prior to the completion date
13 of the new construction or renovation shall be allowed to continue participation and
14 the program shall be phased out and fully terminated when the number of
15 participants declines to zero.

16 I. The sheriff and his deputies and employees, the parish governing authority
17 and its elected or appointed officials, and any party engaged in a cooperative
18 endeavor agreement with the program shall be immune from civil action brought by
19 a person who suffers harm caused by a program participant unless the plaintiff, by
20 clear and convincing evidence, proves both:

21 (1) That his harm would not have occurred if the program was properly
22 administered.

23 (2) That any of the following occurred:

24 (a) The program participant failed to meet any material condition for
25 participation in the program but was allowed to participate in the program.

26 (b) The program participant failed to comply with any material condition of
27 continued participation in the program but was allowed to continue his participation.

28 (c) The gross negligence or intentional act of a person responsible for
29 administering, maintaining, monitoring, or operating an aspect of the program was
30 a substantial factor in causing the harm.

1 Section 2. The pilot program authorized in R.S. 15:571.35.2, as enacted by Section
2 1 of this Act, may be implemented on or before January 1, 2027.

3 Section 3. The evaluation report of the pilot program, required in R.S.
4 15:571.35.2(I)(2), as enacted by Section 1 of this Act, shall be presented in accordance with
5 this Act no later than thirty days prior to the first day of the 2028 Regular Session of the
6 Legislature of Louisiana and no later than December thirty-first in each year thereafter.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____