

Regular Session, 2014

HOUSE BILL NO. 942

BY REPRESENTATIVE PYLANT

CORR FACILITIES/JAILS: Requires analysis and plans for expansions of and contracts for additional housing for individuals in the custody of the Department of Public Safety and Corrections

1 AN ACT

2 To amend and reenact R.S. 39:1800.4(A) and (F) and to enact R.S. 15:834.2, relative to  
3 correctional facilities; to provide with respect to expansions of and contracts for  
4 additional housing of individuals in the custody of the state; to require plans for the  
5 expansion of state housing; to provide requirements for contracts for housing by  
6 local governmental or private contractors; to require the submission of certain plans  
7 and other information for legislative approval; to provide for an effective date; and  
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:834.2 is hereby enacted to read as follows.

11 §834.2. Plan for expansion of existing space or contracts for additional housing of  
12 individuals in the custody of the department; legislative approval

13 A. Before the execution of any agreement or contract for the expansion of  
14 space for the housing of individuals in the custody of the department, either through  
15 improvements to an existing facility or construction of a new state facility, or  
16 through a contract or other agreement with a local government facility or private  
17 contractor, the secretary of the Department of Public Safety and Corrections,  
18 hereinafter referred to as "secretary", shall prepare a detailed analysis reflecting the  
19 need for the expansion as well as a recommended plan to remedy the shortage of

1        housing, hereinafter referred to as "plan". The secretary shall submit the plan to  
2        both the House Committee on Administration of Criminal Justice and Senate  
3        Committee Judiciary C for approval. The form and content of the plan shall be  
4        determined by the chairmen of the two committees, and shall also include the criteria  
5        provided for in Subsection B of this Section.

6                B. For purposes of the plan, the secretary shall consider the existing  
7        resources currently available for the housing of individuals committed to the custody  
8        of the department with an assessment of the sufficiency of those resources in  
9        enabling the department to comply with established treatment, training, and security  
10       needs. If it is determined that additional housing is needed, the secretary shall  
11       develop a plan for the expansion of housing space for such purpose. The plan shall  
12       include options for the expansion of a state facility, a contract or other agreement  
13       with a local correctional facility, and a contract or other agreement with a private  
14       correctional facility. The plan shall contain a comparison between the three methods  
15       of increasing the availability of housing by using state, local, and private facilities,  
16       and shall include consideration of the costs associated with feeding and housing  
17       individuals, the costs associated with employment of qualified personnel to properly  
18       secure and maintain the facility, and the availability of facilities to provide adequate  
19       health care for aged or infirm inmates.

20       Section 2. R.S. 39:1800.4(A) and (F) are hereby amended and reenacted to read as  
21 follows.

22       §1800.4. State and local corrections facilities; private contracts

23                A. The department and local governmental subdivisions are hereby  
24 authorized to enter into contracts with prison contractors for the financing, acquiring,  
25 designing, leasing, constructing, and operating of facilities. Any contract by the  
26 department shall reflect the recommended plan for addressing the shortage of  
27 housing which was approved by the House Committee on Administration of  
28 Criminal Justice or Senate Committee Judiciary C. In the event that the committees

1 approve different plans, the contract may reflect a plan approved by either  
2 committee.

3 \* \* \*

4 F. No contract shall be entered into pursuant to this Chapter unless the  
5 contract is approved by the Joint Legislative Committee on the Budget.  
6 Additionally, department contracts submitted for approval shall be accompanied by  
7 a copy of the recommended plan for addressing the shortage of housing which was  
8 approved by the House Committee on Administration of Criminal Justice or Senate  
9 Committee Judiciary C.

10 \* \* \*

11 Section 3. This Act shall become effective on July 1, 2014; if vetoed by the governor  
12 and subsequently approved by the legislature, this Act shall become effective on July 1,  
13 2014, or on the day following such approval by the legislature, whichever is later.

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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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Pylant HB No. 942

**Abstract:** Requires the development and approval of a plan for additional housing for individuals in the custody of the Dept. of Public Safety and Corrections before an expansion of a state facility or contract for housing with a local or private corrections facility.

Proposed law requires that before there is an expansion of a state correctional facility or a contract or other agreement with a local or private correction facility for the housing of individuals in the custody of the Dept. of Public Safety and Corrections, the secretary of the department, shall prepare a detailed analysis reflecting the need for the expansion, as well as a recommended plan to remedy the shortage of housing.

Proposed law provides for the criteria and elements to be considered in the analysis and plan, which include an assessment of current resources and the sufficiency of those resources to allow compliance with established standards for the treatment, training, and security of the population being housed. Options must be considered for the expansion by way of either a state facility, a contract or other agreement with a local correctional facility, and a contract or other agreement with a private correctional facility. Costs associated with feeding and housing individuals, costs associated with employment of qualified personnel to properly secure and maintain the facility, and the availability of facilities to provide adequate health care for aged or infirm inmates are factors required to be considered in development of the plan.

Proposed law requires the plan to be submitted to both the House Committee on Administration of Criminal Justice and Senate Committee Judiciary C for approval.

Present law authorizes state and local government contracts with private prison contractors for the design, construction, and operation of correctional facilities. Present law provides for definitions, contract requirements, and powers and duties not delegable to contractors. Present law further prohibits any contract that has not been approved by the Joint Legislative Committee on the Budget.

Proposed law retains present law and requires that any contract by the department reflect the recommended plan approved by the House Committee on Administration of Criminal Justice or Senate Committee Judiciary C, and that any contract submitted for approval by the Joint Legislative Committee on the Budget be accompanied by a copy of the plan.

Effective on July 1, 2014.

(Amends R.S. 39:1800.4(A) and (F); Adds R.S. 15:834.2)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Removed language providing that if the legislative committees do not take action on the plan within 90 days, the plan is deemed approved.