

2015 Regular Session

SENATE BILL NO. 73

BY SENATOR MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CORRECTIONAL FACILITIES. Defines a judicial agency for purposes of referring certain persons arrested for commission of a crime in housing or a temporary residence which is regulated by the Department of Public Safety and Corrections. (8/1/15)

1 AN ACT

2 To amend and reenact R.S. 40:2852 and 2853(A), relative to facilities providing housing or  
3 temporary residence to certain individuals arrested for commission of a crime; to  
4 provide for referral to these facilities by certain judicial agencies; to define a judicial  
5 agency; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2852 and 2853(A) are hereby amended and reenacted to read as  
8 follows:

9 §2852. Facilities providing housing or temporary residence to individuals referred  
10 by judicial agencies

11 A. Any facility, including pretrial diversion facilities, not otherwise required  
12 to be licensed by the Department of Health and Hospitals or the Department of  
13 Children and Family Services, that provides housing or temporary residence for  
14 individuals who have been arrested for the commission of a crime and who are  
15 referred by any judicial agency, ~~including the District Attorney's office~~ **as defined**  
16 **in this Section**, shall be regulated by rules adopted and enforced by the Department  
17 of Public Safety and Corrections for the operation of ~~such~~ **these** facilities.



temporary residence for individuals who have been arrested for the commission of a crime. Provides for referral of arrestees to these facilities by any judicial agency, including the district attorney's office.

Proposed law removes specific reference to the district attorney's office but defines a judicial agency, for purposes of proposed law, to mean the district court and officers thereof, including the judge, the prosecutor, and the clerk of court, the Crime Victims Reparations Board, the Department of Public Safety and Corrections, and the division of probation and parole.

Proposed law retains present law requirements that the facility be regulated by rules adopted and enforced by the Department of Public Safety and Corrections and that each facility be accredited by the American Correctional Association (ACA) within 24 months of operating as a judicial agency referral residential facility and that it maintain accreditation by the ACA at all times.

Present law prohibits any facility, including a pretrial diversion facility, that provides housing or temporary residence for individuals who have been arrested for the commission of a crime who are referred by any judicial, prosecuting, or law enforcement authority from being located within 1,000 feet of any property used by any school or any child day care center.

Proposed law retains present law but removes reference of referral by any judicial, prosecuting, or law enforcement authority and provides for referral by any judicial agency as defined in proposed law.

Effective August 1, 2015.

(Amends R.S. 40:2852 and 2853(A))