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**HOUSE COMMITTEE AMENDMENTS**

2023 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 556 by Representative Davis

AMENDMENT NO. 1

On page 1, line 2, after "To" and before the comma "," change "enact R.S. 15:571.36(8) through (10)" to "amend and reenact R.S. 14:110.2(B) and to enact R.S. 15:571.36(A)(8) through (14), (B), and (C) and R.S. 15:835"

AMENDMENT NO. 2

On page 1, at the end of line 4, insert "a reporting requirement; to provide for penalties; to provide relative to the imposition of electronic monitoring; to provide for registration; and to provide for"

AMENDMENT NO. 3

On page 1, between lines 6 and 7, insert the following:

Section 1. R.S. 14:110.2(B) is hereby amended and reenacted to read as follows:

§110.2. Tampering with electronic monitoring equipment

\* \* \*

B.(1) Whoever commits the crime of tampering with electronic monitoring equipment shall be fined not more than five hundred dollars and shall be imprisoned for not more than six months.

(2) If the offender violates the provisions of this Section while he is involved in the commission of a felony, he shall be fined not more than one thousand dollars and shall be imprisoned at hard labor for not more than one year.

(3) If the offender violates the provisions of this Section after being released pursuant to a bail undertaking for a felony crime of violence enumerated or defined in R.S. 14:2(B), he shall be fined not more than one thousand dollars and shall be imprisoned at hard labor for not more than a year.

(4) At least seventy-two hours of the sentence shall be served without benefit of probation, parole, or suspension of sentence.

AMENDMENT NO. 4

On page 1, delete line 7 in its entirety and insert "Section 2. R.S. 15:571.36(A)(8) through (14), (B), and (C) and R.S. 15:835 are hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 1, at the beginning of line 9, insert "A."

AMENDMENT NO. 6

On page 2, line 6, after "services" and before "for" insert "to an authorizing judge or law enforcement agency"

AMENDMENT NO. 7

On page 2, after line 14, add the following:

1 "(11) Simultaneous access to an authorizing judge or law enforcement  
 2 agency for all monitoring records of an electronic monitoring provider.

3 (12) Coordination and development of a statewide system for the use of  
 4 global position system monitoring and other electronic methods of monitoring as an  
 5 alternative to incarceration for the following circumstances:

- 6 (a) Before trial.
- 7 (b) After trial.
- 8 (c) In cases where the defendant has a mental illness or an intellectual  
 9 disability.

10 (13) Development of guidelines and criteria for contracts between a local  
 11 government and a person or entity who provides electronic monitoring services.

12 (14) Development and maintenance of a centralized registry that can assist  
 13 the state in the collection of the following data:

- 14 (a) The number of persons who are electronically monitored by jurisdiction.
- 15 (b) The number of violations that occur within each jurisdiction.

16 B.(1) When an individual has been placed under electronic monitoring, the  
 17 provider of the electronic monitoring service shall, by noon of the following day,  
 18 provide law enforcement agencies within the appropriate jurisdiction all of the  
 19 following information:

- 20 (a) The name and any aliases used by the monitored individual.
- 21 (b) The physical address or addresses of residence of the monitored  
 22 individual.
- 23 (c) The name and physical address of place of employment. If the monitored  
 24 individual does not have a fixed place of employment, he shall provide information  
 25 with as much specificity as possible regarding the places where he works, including  
 26 but not limited to travel routes used by the monitored offender.
- 27 (d) The pending criminal charges against the monitored individual.
- 28 (e) The reason why the monitored individual has been placed under  
 29 electronic monitoring.

30 (2) After an individual has been placed under electronic monitoring, the  
 31 court exercising jurisdiction over the monitored individual shall report the  
 32 information provided in Paragraph (1) of this Subsection to all law enforcement  
 33 agencies within its jurisdiction.

34 C. Any provider of an electronic monitoring service who intentionally  
 35 withholds or intentionally fails to timely report information as required by this  
 36 Section shall be subject to a civil fine of not more than one thousand dollars and shall  
 37 be prohibited from conducting business in this state.

38 \* \* \*

39 §835. Registration of electronic monitoring service providers

40 A. Any person or entity who provides electronic monitoring services for the  
 41 purpose of supervising accused or convicted offenders in this state shall register with  
 42 the Department of Public Safety and Corrections no later than January 1, 2024.

43 B. No person or entity shall provide electronic monitoring services in this  
 44 state without having first complied with the registration requirements as provided in  
 45 Subsection A of this Section. The application for registration shall be submitted on  
 46 forms provided by the department and shall contain all the information required by  
 47 such forms and any accompanying instructions.

48 C.(1) The department shall suspend or revoke the approval of a person or  
 49 entity who provides electronic monitoring services in this state at any time the  
 50 department determines that the person or entity has violated the provisions of R.S.  
 51 15:571.36(C)."