

Regular Session, 2011

HOUSE BILL NO. 106

BY REPRESENTATIVES MORENO AND LOPINTO

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

CRIMINAL/SENTENCING: Requires reporting from providers of home incarceration or electronic monitoring services to DPS&C

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 894.2(A)(introductory paragraph)  
3 and (3), (B), (C), (E), (H), and (I), relative to criminal sentencing; to provide with  
4 respect to home incarceration; to provide for uniform data collection and reporting  
5 of home incarceration and electronic monitoring services; to provide for oversight;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 894.2(A)(introductory paragraph)  
9 and (3), (B), (C), (E), (H), and (I) are hereby amended and reenacted to read as follows:

10 Art. 894.2. Home incarceration; requirements

11 A. Notwithstanding any other provision of law to the contrary, a defendant  
12 may be ~~sentenced to~~ placed on home incarceration under the following conditions:

13 \* \* \*

14 (3) The court determines, after a contradictory hearing, that home  
15 incarceration of the defendant is more suitable than imprisonment or supervised  
16 probation without home incarceration and would serve the best interests of justice.  
17 The court may ~~sentence a defendant to~~ order home incarceration either in lieu of, or  
18 in addition to, a term of imprisonment. When the court sentences a defendant, it may  
19 order the defendant to serve any portion of the sentence under home incarceration.



1 ~~defendant is sentenced to home incarceration.~~ The minute entry shall include all  
2 available contact information of the home incarceration or electronic monitoring  
3 provider.

4 \* \* \*

5 H. The ~~sentence period~~ of home incarceration shall be for a period of not  
6 more than four years in felony cases and for a period not to exceed six months in  
7 misdemeanor cases.

8 I. If the defendant violates the conditions of home incarceration, the court,  
9 on motion of the state or its own motion, may, after contradictory hearing ~~modify the~~  
10 ~~sentence to~~ or impose a sentence of imprisonment.

11 \* \* \*

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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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Moreno

HB No. 106

**Abstract:** Provides for oversight by DPS&C of providers of home incarceration and electronic monitoring services.

Present law provides for sentencing to home incarceration in lieu of incarceration in a correctional facility.

Proposed law retains the provisions of present law and further provides that all providers of home incarceration or electronic monitoring services shall submit information to the court, the sheriff of the parish, and DPS&C. Authorizes DPS&C to establish regulations to develop a uniform reporting format and procedures for providers of home incarceration in order to promote efficiency and uniformity in data collection. Information provided shall include but not be limited to:

- (1) An annual report indicating the services offered, areas served, number of defendants served, number of defendants who successfully completed home incarceration, and credentials or qualifications of the provider.
- (2) A monthly report including the name, date of birth, and offense of conviction for every defendant supervised.
- (3) Failure to comply with proposed law may subject the provider to forfeiture of its authority to do business.

Present law requires the court to send written notice to certain entities when a defendant is placed on home incarceration.

Proposed law requires the court to make a minute entry within 30 days of the court order placing a defendant on home incarceration. Requires that the minute entry include contact information of the home incarceration or electronic monitoring provider.

(Amends C.Cr.P. Art. 894.2(A)(intro. para.) and (3), (B), (C), (E), (H), and (I))