

HOUSE BILL NO. 556

#### BY REPRESENTATIVES DAVIS, CARRIER, EDMONDS, EDMONSTON, GAROFALO, HORTON, KNOX, MCKNIGHT, MCMAHEN, GREGORY MILLER, RISER, SCHLEGEL, SEABAUGH, STEFANSKI, THOMPSON, AND VILLIO

1	AN ACT
2	To amend and reenact R.S. 14:110.2(B) and to enact R.S. 15:571.36(A)(8) through (11), (B),
3	(C), and (D) and 835, relative to electronic monitoring equipment; to require the
4	Department of Public Safety and Corrections to develop additional policies and
5	procedures relative to electronic monitoring equipment; to provide for a reporting
6	requirement; to provide for penalties; to provide relative to the imposition of
7	electronic monitoring; to provide for registration; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 14:110.2(B) is hereby amended and reenacted to read as follows:
10	§110.2. Tampering with electronic monitoring equipment
11	* * *
12	B. $(1)$ Whoever commits the crime of tampering with electronic monitoring
13	equipment shall be fined not more than five hundred dollars and shall be imprisoned
14	for not more than six months.
15	(2) If the offender violates the provisions of this Section while he is involved
16	in the commission of a felony, he shall be fined not more than one thousand dollars
17	and shall be imprisoned at hard labor for not more than one year.
18	(3) If the offender violates the provisions of this Section after being released
19	pursuant to a bail undertaking for a felony crime of violence enumerated or defined
20	in R.S. 14:2(B), he shall be fined not more than one thousand dollars and shall be
21	imprisoned at hard labor for not more than a year.
22	(4) At least seventy-two hours of the sentence shall be served without benefit
23	of probation, parole, or suspension of sentence.

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## **ENROLLED**

1	Section 2. R.S. 15:571.36(A)(8) through (11), (B), (C), and (D) and 835 are hereby
2	enacted to read as follows:
3	§571.36. Electronic monitoring equipment
4	A. The Department of Public Safety and Corrections, corrections services,
5	the office of state police, and the Louisiana Commission on Law Enforcement and
6	Administration of Criminal Justice shall develop written policies and procedures in
7	the manner provided in the Administrative Procedure Act for the promulgation of
8	rules governing mandatory requirements for electronic monitoring service providers,
9	including governing the availability, storage, and use of, and operational capacity for
10	electronic monitoring equipment, utilized for pre-trial, post-conviction, or
11	monitoring, which shall include all of the following requirements:
12	* * *
13	(8) Location accuracy of a monitored individual for all of the following:
14	(a) The indoor location of a monitored individual.
15	(b) The outdoor location of a monitored individual.
16	(c) On-demand location, which is the most recent location of a monitored
17	individual, and the ability to provide this location accuracy within three minutes of
18	<u>a request.</u>
19	(9) Development of zoning capabilities for both of the following:
20	(a) Inclusion zones, which are geographic areas where a monitored
21	individual is scheduled to be.
22	(b) Exclusion zones, which are geographic areas where a monitored
23	individual is not permitted to visit.
24	(10) Alert notifications from the applicable local, municipal, and parish
25	authorities and the office of technology services to an authorizing judge or law
26	enforcement agency for all of the following:
27	(a) The tampering of the electronic monitoring equipment and the ability to
28	provide an alert of this violation within three minutes of the violation.

1	(b) The presence of the electronic monitoring equipment in an exclusion
2	zone and the ability to provide an alert of this violation within four minutes of the
3	violation.
4	(c) Low battery alert prior to the complete discharge of the battery within the
5	electronic monitoring equipment.
6	(11) Simultaneous access to an authorizing judge or law enforcement agency
7	for all monitoring records of an electronic monitoring provider.
8	B.(1) When an individual has been placed under electronic monitoring, the
9	provider of the electronic monitoring service shall, by noon of the following day,
10	provide law enforcement agencies within the appropriate jurisdiction all of the
11	following information:
12	(a) The name and any aliases used by the monitored individual.
13	(b) The physical address or addresses of residence of the monitored
14	individual.
15	(c) The name and physical address of place of employment. If the monitored
16	individual does not have a fixed place of employment, he shall provide information
17	with as much specificity as possible regarding the places where he works, including
18	but not limited to travel routes used by the monitored offender.
19	(d) The pending criminal charges against the monitored individual.
20	(e) The reason why the monitored individual has been placed under
21	electronic monitoring.
22	(2) After an individual has been placed under electronic monitoring, the
23	court exercising jurisdiction over the monitored individual shall report the
24	information provided in Paragraph (1) of this Subsection to all law enforcement
25	agencies within its jurisdiction.
26	C.(1) Any provider of an electronic monitoring service who intentionally
27	withholds or intentionally fails to timely report information as required by this
28	Section shall be subject to a civil fine of not more than one thousand dollars and shall
29	be prohibited from registering to provide electronic monitoring services in this state
30	for a period of five years.

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1	(2) The attorney general shall have the authority to pursue the civil fine
2	imposed pursuant to this Subsection and may institute any civil action to prohibit any
3	violator of this Subsection from providing or registering to provide electronic
4	monitoring services in this state for a period of five years.
5	D. The Integrated Criminal Justice Information System Policy Board, in
6	consultation with the Department of Public Safety and Corrections, corrections
7	services, the office of state police, the office of the attorney general, the office of
8	information and technology systems, and the Louisiana Commission on Law
9	Enforcement and Administration of Criminal Justice shall evaluate the feasibility of
10	all of the following:
11	(1) Development of a statewide system for the use of global position system
12	monitoring and other electronic methods of monitoring as an alternative to
13	incarceration for persons who have been arrested, who are awaiting trial, or who
14	have been convicted.
15	(2) Development of guidelines and criteria for contracts between a local
16	government and a person or entity that provides electronic monitoring services.
17	(3) Development and maintenance of a centralized registry that can assist the
18	state in the collection of the following data:
19	(a) The number of persons who are electronically monitored by jurisdiction.
20	(b) The number of violations that occur within each jurisdiction.
21	* * *
22	§835. Registration of electronic monitoring service providers
23	A. Any person or entity who provides electronic monitoring services for the
24	purpose of monitoring, tracking, or supervising pretrial or post-conviction persons
25	within the state shall certify in writing that the provider meets the criteria provided
26	in R.S. 15:571.36 and shall register with the department no later than December 1,
27	<u>2024.</u>
28	B. No person or entity shall provide electronic monitoring services in this
29	state without having first complied with the registration requirements as provided in
30	Subsection A of this Section. The application for registration shall be submitted on

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1	forms provided by the department and shall contain all the information required by
2	such forms and any accompanying instructions.
3	C. The department shall remove from its registry any person or entity that
4	provides electronic monitoring services in this state if the department determines that

the person or entity has violated the provisions of R.S. 15:571.36(C).

### SPEAKER OF THE HOUSE OF REPRESENTATIVES

# PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_