

Regular Session, 2010
HOUSE BILL NO. 563
BY REPRESENTATIVE BALDONE

ACT No. 821

1 AN ACT

2 To enact R.S. 15:571.35.1, relative to incarceration; to authorize the Lafourche Parish
3 Sheriff's Office to establish a pilot program utilizing home incarceration and
4 electronic monitoring; to provide criteria for eligibility for participation in such
5 program; to require the development of rules and regulations for the development,
6 implementation, and administration of such program; to provide for applicability; to
7 provide for a limitation of liability; to require the inclusion of certain conditions
8 within the rules and regulations; to require an evaluation of the program and a report
9 regarding the program to be provided to certain legislative committees; to provide
10 for termination of the program; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:571.35.1 is hereby enacted to read as follows:

13 §571.35.1. Pilot program; Lafourche Parish Pretrial Home Incarceration Program;
14 electronic monitoring

15 A. Not later than January 1, 2011, the Lafourche Parish Sheriff's Office may
16 implement a pilot program using, as an alternative mode of incarceration to
17 traditional imprisonment, active electronic monitoring of offenders who are eligible
18 under the provisions of this Section. This pilot program shall be referred to as the
19 Lafourche Parish Pretrial Home Incarceration Program.

20 B. A defendant may be eligible for participation in the pilot program under
21 the following conditions:

22 (1) No defendant who has been charged with a crime of violence as defined
23 in R.S. 14:2(B), or with a sex offense as defined in R.S. 15:541, shall be eligible for
24 the pilot program established under the provisions of this Section.

1 (2) A determination is made by the Lafourche Parish Sheriff's Office that the
 2 defendant is particularly likely to respond affirmatively to participation in the pilot
 3 program.

4 (3) The Lafourche Parish Sheriff's Office has interviewed the defendant and
 5 has made a risk assessment determination that the defendant is eligible for
 6 participation in the pilot program. The Lafourche Parish Sheriff's Office shall
 7 forward the risk assessment to the court for use as the court may deem proper.

8 C.(1) The Lafourche Parish Sheriff's Office shall develop, adopt, and
 9 implement rules and regulations for the development, implementation, and
 10 administration of the pilot program.

11 (2) Such rules and regulations shall include but not be limited to the
 12 following:

13 (a) A defendant in the program shall be supervised and shall be subject to all
 14 of the conditions required for participation. The conditions of the pilot program may
 15 include any condition reasonably related to the pilot program, including curfew,
 16 home visitations by persons designated by the sheriff, and limitations of the
 17 defendant's activities outside of the home.

18 (b) The program shall include the use of electronic monitoring devices.

19 (c) A defendant may be required to obtain employment and may be required
 20 to pay a reasonable supervision fee to the supervising agency to defray the cost of
 21 his supervision and the cost of the required electronic monitoring.

22 (d) A defendant shall be given notice of the conditions imposed in writing,
 23 and he shall be required to agree in writing to the conditions.

24 (e) The defendant shall not receive credit for time served while participating
 25 in the pilot program.

26 D.(1) No defendant shall be admitted to the pilot program prior to court
 27 approval of the defendant's participation in the pilot program.

28 (2) Notwithstanding any other provision of law to the contrary, the court, at
 29 any time on its own motion, may prohibit or terminate a defendant's initial or
 30 continued participation in the pilot program.

1 E.(1) The sheriff shall be entitled to collect from the parish governing
2 authority and apply to the funding of the pilot program a sum not less than the per
3 diem fee authorized by R.S. 33:1432(1). In lieu of the per diem, the sheriff may
4 establish a fee which is agreed upon by the parish governing authority and the
5 sheriff. In no event shall those funds be considered surplus funds.

6 (2) In the case of indigent persons who may be eligible to participate in the
7 pilot program, the sheriff shall establish rules and regulations addressing
8 participation by indigent defendants.

9 (3) The sheriff may apply for funding and grants from any and all sources
10 he may deem appropriate to develop, design, implement, administer, and evaluate
11 the pilot program.

12 (4) The sheriff may engage in cooperative endeavor agreements with other
13 government agencies or departments and with any nonprofit organization whose
14 mission is compatible with the goals and objectives of the pilot program.

15 F. The sheriff may terminate the participation of any defendant in the pilot
16 program who fails to comply with the terms of participation in the program and
17 require the physical return of any defendant terminated from participation in the
18 program to parish jail or such other facility as the sheriff may deem appropriate for
19 the purpose of continuing his pretrial detention.

20 G. With respect to any defendant in the pilot program, neither the sheriff nor
21 the parish shall be responsible for any medical costs or the provision of medical care,
22 transportation costs or the provision of transportation, housing costs or the provision
23 of housing, food costs or the provision of food, or clothing costs or the provision of
24 clothing to the defendant.

25 H. Neither the sheriff of Lafourche Parish, nor his deputies and employees,
26 nor the governing authority of Lafourche Parish or its elected or appointed officials,
27 deputies, or employees, nor any party engaged in a cooperative endeavor agreement
28 with the pilot program shall have any liability for the acts of any defendant who is
29 admitted to participation during the time the defendant is participating in the pilot
30 program.

1 I.(1) The pilot program established pursuant to the provisions of this Section
 2 shall be evaluated with regard to security, beneficial and detrimental effects on the
 3 prisoner, projected probable effects on deterrence, cost, labor intensiveness, and
 4 other relevant measures of effectiveness. Such evaluation shall provide the required
 5 information on a project basis as well as in comparison with traditional
 6 imprisonment.

7 (2) A report of the evaluation of the program shall be presented to the Joint
 8 Legislative Committee on the Budget, the Senate Committee on Judiciary B, and the
 9 House Committee on the Administration of Criminal Justice not later than thirty days
 10 prior to the first day of the 2012 Regular Session of the Legislature of Louisiana.

11 (3) Unless otherwise terminated by appropriate legislative action, the pilot
 12 program shall begin a termination process not later than sixty days after the date in
 13 which a newly constructed correctional facility in Lafourche Parish is opened and
 14 occupied. After that date, no new participants shall be admitted to the program.
 15 Those participants in the program prior to that date shall be allowed to continue
 16 participation, except as otherwise provided for by this Section, and the program shall
 17 be phased out and fully terminated when the number of participants declines to zero.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____