

2024 Regular Session

HOUSE BILL NO. 874

BY REPRESENTATIVE KERNER

CORRECTIONS: Provides relative to electronic monitoring

1 AN ACT

2 To enact Code of Criminal Procedure Article 320.1, relative to global positioning
3 monitoring systems; to provide for registration; to provide relative to eligibility; to
4 provide for submission of reports; to provide for penalties; to provide for a
5 prohibition; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 320.1 is hereby enacted to read as
8 follows:

9 Art. 320.1. Registration of global positioning monitoring system providers

10 A. Prior to equipping a defendant with a global positioning monitoring
11 system pursuant to Article 320, every entity or person who provides such services
12 shall register with the court and the sheriff of the parish where such services are to
13 be provided. The information provided to the court and the sheriff shall include all
14 of the following:

- 15 (1) The name of the provider.
- 16 (2) The principal contact information of the provider.
- 17 (3) The primary office address of the provider.

18 B. No person or entity shall be eligible to provide global positioning
19 monitoring systems for a defendant pursuant to Article 320 unless the criteria set
20 forth in R.S. 15:571.36 are met.

1 C. When the court orders a defendant to be equipped with a global
2 positioning monitoring system pursuant to Article 320, the name and contact
3 information of the person or entity providing such services for the defendant shall
4 be entered in the docket for the case in which the condition of bail was imposed.

5 D. Every provider of a global positioning monitoring system pursuant to
6 Article 320 shall submit timely and accurate reports to the court exercising
7 jurisdiction over the person being monitored. These reports shall be as follows:

8 (1) A monthly report that includes all of the following information for every
9 defendant supervised.

10 (a) Name.

11 (b) Date of birth.

12 (c) The offense charged.

13 (2) An annual report that indicates all of the following:

14 (a) The services offered.

15 (b) The areas served.

16 (c) The number of defendants served.

17 (d) The number of defendants terminated.

18 (e) The reasons for termination.

19 (f) The credentials or qualifications of the provider.

20 (3) Violation reports regarding the defendant's violation of any conditions
21 set forth pursuant to Article 320. These reports shall be provided to the bail agent
22 on record and the court exercising jurisdiction over the defendant within one day of
23 the provider's receiving notice that any of the following involving the electronic
24 monitoring equipment has occurred:

25 (a) Presence in an exclusion zone, which are geographic areas where the
26 defendant is not permitted to visit.

27 (b) Tampering or destruction.

28 (c) Loss of battery power.

29 (d) Loss of communications.

1 E.(1) Whoever intentionally withholds or intentionally fails to timely report
2 information as required by this Article shall be subject to a civil fine of not more
3 than one thousand dollars and shall be prohibited from registering to provide global
4 positioning monitoring systems or other electronic monitoring services in this state
5 for a period of five years.

6 (2) The attorney general shall have the authority to pursue the civil fine
7 imposed pursuant to this Paragraph and may institute any civil action to prohibit any
8 violation of this Paragraph from providing or registering to provide global positioning
9 monitoring systems or other electronic monitoring services in this state for a period
10 of five years.

11 F. The following persons are prohibited from being a vendor, or having a
12 financial interest in a vendor, for electronic monitoring services in this state:

13 (1) Any sheriff.

14 (2) Any district attorney.

15 (3) Any judge.

16 (4) An immediate family member of any of the persons provided in this
17 Paragraph.

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)]

HB 874 Reengrossed

2024 Regular Session

Kerner

Abstract: Provides for the registration of global positioning monitoring system providers.

Proposed law provides that prior to equipping a defendant with a global positioning monitoring system pursuant to present law (C.Cr.P. Art. 320), every entity or person who provides such services shall register with the court and the sheriff of the parish where such services are to be provided. Further provides that the information provided to the court and the sheriff shall include all of the following:

- (1) The name of the provider.
- (2) The principal contact information of the provider.
- (3) The primary office address of the provider.

Proposed law provides that no person or entity shall be eligible to provide global positioning monitoring systems for a defendant pursuant to present law (C.Cr.P. Art. 320) unless the criteria set forth in present law (R.S. 15:571.36) are met.

Proposed law provides that when the court orders a defendant to be equipped with a global positioning monitoring system pursuant to present law (C.Cr.P. Art. 320), the name and contact information of the person or entity providing such services for the defendant shall be entered in the docket for the case in which the condition of bail was imposed.

Proposed law provides that every provider of a global positioning monitoring system pursuant to present law (C.Cr.P. Art. 320) shall submit timely and accurate reports to the bail agent on record and the court exercising jurisdiction over the person being monitored.

Proposed law further provides that these reports shall be as follows:

- (1) A monthly report that includes all of the following information for every defendant supervised.
 - (a) Name.
 - (b) Date of birth.
 - (c) The offense charged.
- (2) An annual report that indicates all of the following:
 - (a) The services offered.
 - (b) The areas served.
 - (c) The number of defendants served.
 - (d) The number of defendants terminated.
 - (e) The reasons for termination.
 - (f) The credentials or qualifications of the provider.
- (3) Violation reports regarding the defendant's violation of any conditions set forth pursuant to present law (C.Cr.P. Art. 320). These reports shall be provided to the court exercising jurisdiction over the defendant within one day of the provider's receiving notice that any of the following involving the electronic monitoring equipment has occurred:
 - (a) Presence in an exclusion zone, which are geographic areas where the defendant is not permitted to visit.
 - (b) Tampering or destruction.
 - (c) Loss of battery power.
 - (d) Loss of communications.

Proposed law provides that whoever intentionally withholds or intentionally fails to timely report information as required by proposed law shall be subject to a civil fine of not more than \$1,000 and shall be prohibited from registering to provide global positioning monitoring systems or other electronic monitoring services in this state for a period of five years.

Proposed law provides that the attorney general shall have the authority to pursue the civil fine imposed pursuant to proposed law and may institute any civil action to prohibit any violator of proposed law from providing or registering to provide global positioning monitoring systems or other electronic monitoring services in this state for a period of five years.

Proposed law provides that the following persons are prohibited from being a vendor, or having a financial interest in a vendor, for electronic monitoring services in this state:

- (1) Any sheriff.
- (2) Any district attorney.
- (3) Any judge.
- (4) An immediate family member of any of the persons provided in proposed law.

(Adds C.Cr.P. Art. 320.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Prohibit the following persons from being a vendor, or having a financial interest in a vendor, for electronic monitoring services in this state:
 - (a) Any sheriff.
 - (b) Any district attorney.
 - (c) Any judge.
 - (d) An immediate family member of any sheriff, district attorney, or judge.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add the bail agent on record as a recipient of the reports that are required to be submitted by providers of a global positioning monitoring system.