

Regular Session, 2011
HOUSE BILL NO. 106

ACT No. 168

BY REPRESENTATIVES MORENO, LOPINTO, AND GARY SMITH

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

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.

20 B.(1) A defendant ~~sentenced~~ ordered to home incarceration shall be
21 supervised and may be subject to any of the conditions of probation. Every provider
22 of home incarceration supervision or electronic monitoring services shall submit
23 information to the court, the sheriff of the parish, and the Department of Public
24 Safety and Corrections. The Department of Public Safety and Corrections is

1 authorized to establish regulations to develop a uniform reporting format and
2 procedures for providers of home incarceration in order to promote efficiency and
3 uniformity in data collection. Information provided shall include but not be limited
4 to:

5 (a) An annual report indicating the services offered, areas served, number of
6 defendants served, number of defendants who successfully completed home
7 incarceration and the number of defendants terminated and the reasons for
8 termination, and credentials or qualifications of the provider.

9 (b) A monthly report including the name, date of birth, and offense of
10 conviction for every defendant supervised.

11 (2) Failure to comply with the provisions of this Paragraph may subject the
12 provider to forfeiture of its authority to do business.

13 C. The court shall specify the conditions of home incarceration ~~when it~~
14 ~~imposes such sentence upon the defendant.~~ The conditions may include any
15 condition reasonably related to implementing or monitoring ~~a sentence of~~ the home
16 incarceration, including curfew, electronic or telephone monitoring, home visitation
17 by persons designated by the court, and limitation of the defendant's activities
18 outside of the home.

19 * * *

20 E. Within thirty days of issuing the order ~~sentencing~~ placing the defendant
21 ~~to~~ on home incarceration, the court shall cause ~~written notice~~ the minute entry to be
22 sent by the clerk of court to the Department of Public Safety and Corrections and the
23 sheriff of the parish or chief law enforcement officer of a municipality where the
24 defendant is ~~sentenced to~~ serve the home incarceration. ~~In cases where electronic~~
25 ~~monitoring is a condition of the defendant's parole, notice may be sent by the~~
26 ~~provider of the electronic monitoring device to the sheriff of the parish where the~~
27 ~~defendant is sentenced to home incarceration.~~ The minute entry shall include all
28 available contact information of the home incarceration or electronic monitoring
29 provider.

30 * * *

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

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

7 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____