

Regular Session, 2010

SENATE BILL NO. 96

BY SENATOR MORRISH

CORRECTIONAL FACILITIES. Provides relative to facilities providing housing or temporary residence to individuals referred by judicial agencies. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 40:2852, relative to judicial agency referral residential facilities;  
3 to provide for inspection and certification of judicial agency referral residential  
4 facilities; to provide for accreditation; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2852 is hereby amended and reenacted to read as follows:

7 §2852. Facilities providing housing or temporary residence to individuals referred  
8 by judicial agencies

9 A. Any facility, including pretrial diversion facilities, not otherwise required  
10 to be licensed by the Department of Health and Hospitals or the Department of  
11 Social Services, that provides housing or temporary residence for individuals who  
12 have been arrested for the commission of a crime **and** who are referred by any  
13 judicial agency, including the District Attorney's office, shall be regulated by rules  
14 adopted ~~and enforced~~ by the Department of Public Safety and Corrections for the  
15 operation of such facilities.

16 B. The rules shall include, but not be limited to, providing for the  
17 construction, standards of operation, and services provided for such facilities. **All**

1 **rules shall be adopted in accordance with the Administrative Procedure Act.**

2 C. No facility shall provide housing or temporary residence to any individual  
3 and no judicial agency shall refer any individual to a facility providing housing or  
4 temporary residence until the Department of Public Safety and Corrections has  
5 adopted rules **and has inspected the facility and certified that the facility is in**  
6 **compliance with such rules** as provided for by this Section.

7 D. All ~~rules shall be adopted in accordance with the Administrative~~  
8 ~~Procedure Act, and all~~ facilities shall be accredited by the American Correctional  
9 Association within ~~eighteen~~ **twenty-four** months of opening ~~as~~ a judicial agency  
10 referral residential facility **and shall maintain accreditation by the American**  
11 **Correctional Association at all times thereafter.**

---

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Michelle Ducharme.

---

#### DIGEST

Present law provides that any facility, including pretrial diversion facilities, not otherwise required to be licensed by the Department of Health and Hospitals or the Department of Social Services, that provides housing or temporary residence for individuals who have been arrested for the commission of a crime and who are referred by any judicial agency shall be regulated by rules adopted and enforced by the Department of Public Safety and Corrections (DPS&C) for the operation of such facilities.

Proposed law removes requirement that DPS&C also enforce rules.

Present law prohibits a facility from providing housing or temporary residence to any individual and that no agency shall refer any individual to a facility providing housing or temporary residence until DPS&C has adopted rules.

Proposed law further requires that the facility must be inspected and certified by DPS&C prior to providing housing or temporary residence to any individual.

Present law requires that all facilities be accredited by the American Correctional Association (ACA) within 18 months of opening a judicial agency referral residential facility.

Proposed law extends the period of time for facilities to be accredited by the ACA to within 24 months of opening as a judicial agency referral residential facility and requires that facilities maintain accreditation by the ACA at all times thereafter.

Effective August 15, 2010.

(Amends R.S. 40:2852)