

2015 Regular Session

SENATE BILL NO. 73

BY SENATOR MORRISH

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

CORRECTIONAL FACILITIES. Defines a judicial agency for purposes of referring certain persons arrested for commission of a crime in housing or a temporary residence which is regulated by the Department of Public Safety and Corrections. (8/1/15)

1 AN ACT

2 To amend and reenact R.S. 40:2852 and 2853(A), relative to facilities providing housing or
3 temporary residence to certain individuals arrested for commission of a crime; to
4 provide for referral to these facilities by certain judicial agencies; to define a judicial
5 agency; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2852 and 2853(A) are hereby amended and reenacted to read as
8 follows:

9 §2852. Facilities providing housing or temporary residence to individuals referred
10 by judicial agencies

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

The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

DIGEST

SB 73 Engrossed

2015 Regular Session

Morrish

Present law provides for judicial agency referral residential facilities, including pretrial diversion facilities, not otherwise required to be licensed by the Dept. of Health and Hospitals or the Dept. of Children and Family Services, that provide housing or temporary residence for individuals who have been arrested for the commission of a crime. Present law further provides for referral of arrestees to these facilities by any judicial agency, including the district attorney's office.

Proposed law removes specific reference to the district attorney's office from present law and further defines a "judicial agency" for purposes of proposed law as the district court and officers thereof, including the district judge, the prosecutor and district attorneys. Proposed law further provides that no sheriff or sheriff's department of any parish in this state is deemed to be a judicial agency for purposes of present law and proposed law. Proposed law further provides that judicial agency referral residential facilities cannot participate in sheriffs' work release programs nor can they receive funding from the state.

Proposed law retains present law requirements that the facility be regulated by rules adopted and enforced by the Dept. of Public Safety and Corrections and that each facility be accredited by the American Correctional Association (ACA) within 24 months of operating as a judicial agency referral residential facility, and that it maintain accreditation by the ACA at all times.

Present law prohibits any facility, including a pretrial diversion facility, that provides housing or temporary residence for individuals who have been arrested for the commission of a crime who are referred by any judicial, prosecuting, or law enforcement authority from being located within 1,000 feet of any property used by any school or any child day care center.

Proposed law retains present law but removes reference of referral by any judicial, prosecuting, or law enforcement authority, and provides for referral by any judicial agency as defined in proposed law.

Effective August 1, 2015.

(Amends R.S. 40:2852 and 2853(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Changes definition of "judicial agency" for purposes of present law and proposed law.