

SENATE BILL NO. 73

BY SENATOR MORRISH

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

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.

18 B. The rules shall include; but not be limited to; providing for the  
19 construction, standards of operation, and services provided for ~~such~~ **these** facilities.  
20 All rules shall be adopted in accordance with the Administrative Procedure Act.

21 C. No facility shall provide housing or temporary residence to any individual  
22 and no judicial agency shall refer any individual to a facility providing housing or  
23 temporary residence until the Department of Public Safety and Corrections has  
24 adopted rules and has inspected the facility and certified that the facility is in  
25 compliance with ~~such~~ **these** rules as provided for by this Section.

1 D. All facilities shall be accredited by the American Correctional Association  
2 within twenty-four months of opening as a judicial agency referral residential facility  
3 and shall maintain accreditation by the American Correctional Association at all  
4 times thereafter.

5 **E. For the purposes of this Chapter, "judicial agency" means the district**  
6 **court and officers thereof, including the district judge, the prosecutor and**  
7 **district attorneys. However, no sheriff or sheriff's department of any parish in**  
8 **this state shall be deemed to be a judicial agency pursuant to this Chapter.**  
9 **Judicial agency referral residential facilities shall not participate in sheriffs'**  
10 **work release programs nor shall they receive funding from the state.**

11 §2853. Facilities providing housing or temporary residence to individuals referred  
12 by judicial agencies

13 A. No facility including pretrial diversion facilities that provides housing or  
14 temporary residence for individuals who have been arrested for the commission of  
15 a crime who are referred by any judicial, ~~prosecuting, or law enforcement authority~~  
16 **agency pursuant to this Chapter** shall be located within one thousand feet of any  
17 school or child day care center property.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_