

RÉSUMÉ DIGEST

ACT 447 (SB 73)

2015 Regular Session

Morrish

Prior law provided 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. Prior law further provided for referral of arrestees to these facilities by any judicial agency, including the district attorney's office.

New law removes specific reference to the district attorney's office from prior law and further defines a "judicial agency" for purposes of new law as the district court and officers thereof, including the district judge, the prosecutor and district attorneys. New 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 prior law and new law. New law further provides that judicial agency referral residential facilities cannot participate in sheriffs' work release programs nor can they receive funding from the state.

New law retains prior 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.

Prior law prohibited 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.

New law retains prior 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 new law.

Effective August 1, 2015.

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