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

DIGEST

Claitor (SB 193)

Present law provides for the release of a defendant who is alleged to have committed an offense against his family or household member or dating partner under certain conditions, if the defendant poses a threat or danger to the victim.

Present law provides for consequences if the defendant violates the conditions of his release.

Proposed law maintains present law and provides for a defendant to carry or wear a global positioning system device as a condition of release.

Proposed law provides for the victim to give "informed consent" before consenting to participate in the global positioning system monitoring.

Proposed law provides for the following definitions:

- (1) "Global positioning monitoring system" means a system that electronically determines and reports the location of an individual by means of an ankle bracelet transmitter or similar device worn by the individual that transmits latitude and longitude data to monitoring authorities through global positioning satellite technology but does not contain or operate any global positioning system technology or radio frequency identification technology or similar technology that is implanted in or otherwise invades or violates the corporeal body of the individual.
- (2) "Informed consent" means that the victim was given information concerning all of the following before consenting to participate in global positioning system monitoring:
 - (a) The victim's right to refuse to participate in global positioning system monitoring and the process for requesting the court to determine the victim's participation after it has been ordered.
 - (b) The manner in which the global positioning system monitoring technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements.
 - (c) The boundaries imposed on the defendant during the global positioning system monitoring.
 - (d) Sanctions that the court may impose on the defendant for violating an order issued under proposed law.

- (e) The procedure that the victim is to follow if the defendant violates an order issued under proposed law or if global positioning system equipment fails.
- (f) Identification of support services available to assist the victim to develop a safety plan to use if the court's order issued under proposed law is violated or if global positioning system equipment fails.
- (g) Identification of community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other help in addressing the consequences and effects of domestic violence or stalking.
- (h) The non-confidential nature of the victim's communications with the court concerning global positioning system monitoring and the restrictions to be imposed upon the defendant's movements.

Effective August 15, 2010.

(Amends C.Cr.P. Art. 335.1)