

2026 Regular Session

HOUSE BILL NO. 211

BY REPRESENTATIVE VILLIO

COURTS: Provides relative to the creation, administration, and eligibility requirements of the Homelessness Court program

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(6) and to enact Chapter 33-D of Title 13 of the  
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5381 through 5386,  
4 R.S. 14:107.6, and Part IV of Chapter 3 of Title 40 of the Louisiana Revised Statutes  
5 of 1950, to be comprised of R.S. 40:581.1 through 582, relative to the Homelessness  
6 Court program; to provide for the creation of the program; to provide for a statement  
7 of legislative intent; to provide for the goals of the program; to provide for  
8 definitions; to provide for the Homelessness Court probation program; to create the  
9 crime of unauthorized camping on public property; to provide for penalties; to  
10 prohibit public camping and temporary outdoor habitation; to provide for exceptions;  
11 to provide for notification requirements; to provide for minimum standards and  
12 procedures; to provide for enforcement; to provide for housing; to establish  
13 regulations that promote sanitary conditions; to provide for duties of the Louisiana  
14 Department of Health and office of the state fire marshal; to provide for effective  
15 dates; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. Chapter 33-D of Title 13 of the Louisiana Revised Statutes of 1950,  
18 comprised of R.S. 13:5381 through 5386, is hereby enacted to read as follows:

1                    CHAPTER 33-D. HOMELESSNESS COURT PROGRAM2                    §5381. Short title

3                    This Chapter shall be known and may be cited as the "Homelessness Court  
4                    Program Act".

5                    §5382. Purpose

6                    The Legislature of Louisiana recognizes that there is a critical need for  
7                    criminal justice system programs to assist those persons who are experiencing  
8                    homelessness in order to reduce the incidence of substance abuse disorders, untreated  
9                    mental health issues, destruction and disruption of use of public property, significant  
10                   public health and safety issues, and crimes committed by those experiencing  
11                   homelessness. There is also a need for programs to assist those experiencing  
12                   homelessness with mental health issues, including mental health diagnoses and  
13                   undiagnosed mental illnesses. Moreover, many experiencing homelessness suffer  
14                   from co-occurring disorders of substance abuse and mental illness. These problems  
15                   can cause those experiencing homelessness to have involvement with the criminal  
16                   justice system. Therefore, it is the intent of the Legislature of Louisiana to create  
17                   specialized court programs in the various districts of this state called "Homelessness  
18                   Court programs" to assist those experiencing homelessness in overcoming these  
19                   issues, as they impact themselves, the criminal justice system, and society at large.  
20                   The goals of these programs are to reduce recidivism among those experiencing  
21                   homelessness and to provide them with the assistance that they need to become  
22                   productive members of society.

23                   §5383. Goals

24                   The goals of the Homelessness Court program created pursuant to this  
25                   Chapter include all of the following:

- 26                   (1) To reduce drug abuse and alcoholism and dependency among offenders.  
27                   (2) To reduce the alcohol and drug-related workload of the courts.  
28                   (3) To reduce criminal recidivism.

1           (4) To diagnose undiagnosed mental health problems and to assist in the care  
2           and treatment of diagnosed mental health illnesses.

3           (5) To increase the personal, familial, and societal accountability of  
4           offenders.

5           (6) To reduce prison overcrowding.

6           (7) To provide employment and job training for those experiencing  
7           homelessness.

8           (8) To provide housing assistance for those experiencing homelessness in  
9           partnership with state, local, and federal housing authorities and nonprofit  
10          organizations.

11          (9) To provide counseling services as necessary.

12          §5384. Definitions

13          For the purposes of this Chapter, the following terms have the following  
14          meanings:

15          (1) "Homelessness Court program" means a program with all of the  
16          following essential characteristics:

17           (a) The integration of health care, education, and housing assistance as well  
18           as employment, job training, disability compensation counseling, and other  
19           rehabilitative services in the processing of cases in the criminal justice system.

20           (b) Early identification and prompt placement of eligible participants in the  
21           program for the purpose of making them program participants.

22           (c) The use of a nonadversarial approach involving prosecutors and defense  
23           attorneys to promote public safety and protect the due process rights of program  
24           participants.

25           (d) Access to continuum of alcohol, controlled substance, mental health,  
26           suicide assessment, intervention, treatment and management, and other related  
27           treatment and rehabilitative services.

28           (e) Careful monitoring of treatment and services provided to program  
29           participants.

1           (f) A coordinated strategy to govern program responses to compliance of  
2 participants.

3           (g) Ongoing judicial interaction with program participants.

4           (h) Monitoring and evaluation of program goals and effectiveness.

5           (i) Continuing interdisciplinary education to promote effective program  
6 planning, implementation, and operations.

7           (j) Development of partnerships with public agencies and community  
8 organizations, including but not limited to Louisiana Works, the United States  
9 Department of Housing and Urban Development, and any other local, state, or  
10 federal agency or organization that can provide assistance to participants.

11           (2) "Participant" means a person currently experiencing homelessness who  
12 is subject to the jurisdiction of the homelessness court program. Participant may  
13 also refer to a person, defendant, probationer, or offender in relation to the program.  
14 §5385. The Homelessness Court program; administration; eligibility; stipulations

15           A. Each district court by rule may designate as a Homelessness Court  
16 program one or more divisions of the district court to which participants are assigned  
17 and may establish a probation program to be administered by the presiding judge or  
18 judges thereof or by an employee designated by the court.

19           B. Participation in probation programs shall be subject to all of the following  
20 provisions:

21           (1) The district attorney may propose to the court that a defendant be  
22 screened for eligibility as a participant in the Homelessness Court program if all of  
23 the following criteria are satisfied:

24           (a) The defendant is charged with a misdemeanor or felony violation of state  
25 law and is determined to be a defendant experiencing homelessness.

26           (b) The district attorney has reason to believe that the defendant who is  
27 charged may benefit by participating in the Homelessness Court program.

1           (c) The district attorney has reason to believe that it is in the best interest of  
2           the community and in the interest of justice to provide the defendant with treatment  
3           as opposed to incarceration or other sanctions.

4           (2) Upon receipt of the proposal provided in Paragraph (1) of this  
5           Subsection, the court shall advise the defendant that he may be eligible for  
6           enrollment in a court-authorized treatment program through the Homelessness Court  
7           program.

8           (3)(a) If the defendant requests to undergo treatment and is accepted into the  
9           Homelessness Court program, the defendant shall be placed under the supervision  
10          of the Homelessness Court program for a period of not less than twelve months.

11          (b) During the treatment, the defendant may be confined in a treatment  
12          facility or, at the discretion of the court, the defendant may be released on a  
13          probationary basis for treatment or supervised aftercare in the community.

14          (c) The court may impose any conditions reasonably related to the complete  
15          rehabilitation of the defendant.

16          (d) The defendant shall be required to participate in any court-ordered  
17          alcohol and drug testing program at his own expense, unless the court determines  
18          that he is indigent.

19          (e) If the defendant completes the Homelessness Court program and has  
20          successfully completed all other requirements of his court-ordered probation, the  
21          conviction may be set aside and the prosecution dismissed in accordance with Code  
22          of Criminal Procedure Articles 893 and 894. A defendant's successful completion  
23          of the Homelessness Court program and the other requirements of probation may  
24          result in his discharge from supervision. If the defendant does not successfully  
25          complete the Homelessness Court program, the judge may do any of the following:

26                  (i) Revoke the probation and impose sentence.

27                  (ii) Revoke the probation and order the defendant to serve the sentence  
28                  previously imposed and suspended.

1           (iii) Revoke the probation and order the defendant to be committed to the  
2           custody of the Department of Public Safety and Corrections with a requirement that  
3           the defendant serve a sentence of not more than six months without diminution of  
4           sentence in the intensive incarceration program pursuant to R.S. 15:574.4.4 and  
5           574.5, with return to the regular Homelessness Court docket upon completion of  
6           sentence.

7           (iv) Impose any sanction provided by Code of Criminal Procedure Article  
8           900 or extend probation and order that the defendant continue treatment for an  
9           additional period, or both.

10           (4) The defendant has the right to be represented by counsel at all stages of  
11           a criminal prosecution and in any court hearing relating to the Homelessness Court  
12           program. The defendant shall be represented by counsel during the negotiations to  
13           determine eligibility to participate in the Homelessness Court program and shall be  
14           represented by counsel at the time of the execution of the probation agreement and  
15           at any hearing pertaining to the revocation of the defendant's probation and discharge  
16           from the program, unless the court finds and the record shows that the defendant has  
17           knowingly and intelligently waived his right to counsel.

18           (5) If the defendant elects to undergo treatment and participate in the  
19           Homelessness Court program, the court shall order an examination of the defendant  
20           by one of the court's designated licensed treatment programs. Treatment programs  
21           shall possess sufficient experience in working with criminal justice participants with  
22           alcohol or drug addictions, mental health problems, or all of these matters, and shall  
23           be certified and approved by this state. The designated treatment program shall  
24           utilize standardized testing and evaluation procedures to determine whether or not  
25           the defendant is an appropriate candidate for a treatment program and shall report  
26           such findings to the court and the district attorney.

27           (6) The treatment program examiner or district attorney may request that the  
28           defendant provide all of the following information to the court:

29           (a) Information regarding prior criminal charges.

- 1           (b) Education, work experience, and training.
- 2           (c) Family history, including residence in the community.
- 3           (d) Medical and mental history, including any psychiatric or psychological  
4 treatment or counseling.
- 5           (e) Any other information reasonably related to the success of the treatment  
6 program.
- 7           (7) The designated program shall recommend to the court a preliminary  
8 length of stay and level of care for the defendant.
- 9           (8) In addition to the report submitted by the examiner, the judge and district  
10 attorney shall consider the following factors in determining whether the  
11 Homelessness Court program would be in the interest of justice and of benefit to the  
12 defendant and the community:
- 13           (a) The nature of the crime charged and the circumstances surrounding the  
14 crime.
- 15           (b) Any special characteristics or circumstances of the defendant.
- 16           (c) Whether the defendant is a first-time offender and the degree of success  
17 attained if the defendant has previously participated in this program or a similar  
18 program.
- 19           (d) Whether there is a probability that the defendant will cooperate with and  
20 benefit from probation and treatment through the Homelessness Court program.
- 21           (e) Whether the available Homelessness Court program is appropriate to  
22 meet the needs of the defendant.
- 23           (f) The impact of the defendant's probation and treatment upon the  
24 community.
- 25           (g) Recommendations of the involved law enforcement agency, if any.
- 26           (h) Recommendations of the victim, if any.
- 27           (i) Provisions for and the likelihood of obtaining restitution from the  
28 defendant over the course of his probation.
- 29           (j) Any mitigating circumstances.

1           (k) Any other circumstances reasonably related to the defendant's case.

2           (9) In order to be eligible for the Homelessness Court program, the defendant  
3           shall satisfy each of the following criteria:

4           (a) The defendant shall not have a prior felony conviction for any of the  
5           following:

6           (i) Homicide as defined in R.S. 14:29.

7           (ii) A sex offense as defined in R.S. 15:541.

8           (iii) Any pending criminal proceeding alleging commission of a crime of  
9           violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

10          (b) The crime before the court is not a charge of driving while impaired by  
11          alcohol or any other drug or drugs that resulted in the death of a person.

12          (10)(a) The judge shall make the final determination of eligibility. If, based  
13          on the examiner's report and the recommendations of the district attorney and the  
14          defense counsel, the judge determines that the defendant should be enrolled in the  
15          Homelessness Court program, the court shall accept the defendant's guilty plea,  
16          suspend or defer the imposition of sentence, and place the defendant on probation  
17          under the terms and conditions of the Homelessness Court program. The court may  
18          also impose and suspend the execution of sentence and place the defendant on  
19          probation under the terms and conditions of the Homelessness Court program.

20          (b) If the judge determines that the defendant is not qualified for enrollment,  
21          the judge may state for the record the reasons for that determination.

22          (c) A Homelessness Court program team or staff may petition the court to  
23          reject a referral to the Homelessness Court program if the Homelessness Court  
24          program team or staff deems the defendant to be inappropriate for admission to the  
25          Homelessness Court program. Additionally, a Homelessness Court program team  
26          or staff may petition the court for immediate discharge of any individual who fails  
27          to comply with Homelessness Court program rules and treatment expectations or  
28          who refuses to constructively engage in the treatment process.

1           C.(1) In offering a defendant the opportunity to request treatment, the court  
2           shall advise the defendant of the following at the time of the guilty plea:

3           (a) If the defendant is accepted into the Homelessness Court program, then  
4           the defendant shall waive the right to a trial. The defendant shall enter a plea of  
5           guilty to the charge with the stipulation that his sentencing be deferred or that  
6           sentence be imposed, but suspended, and the defendant placed on supervised  
7           probation under the usual conditions of probation and under certain special  
8           conditions of probation related to the completion of such treatment programs as are  
9           ordered by the court. During participation in the program, the defendant shall be  
10          subject to nonadversarially determined sanctions. All adversarial hearings shall  
11          occur during probation violation hearings.

12          (b) The terms of each probation agreement shall be decided by the judge.  
13          The defendant shall agree to enter the program and sign a probation agreement  
14          stating the terms and conditions of his program. The defendant shall plead guilty to  
15          the charge in order to be eligible for the Homelessness Court program.

16          (2) Any probation agreement entered into pursuant to this Section shall  
17          include all of the following:

18          (a) The terms of the agreement, which shall provide for either of the  
19          following:

20          (i) If the defendant fulfills the obligations of the agreement, as determined  
21          by the court, then the criminal charges may be dismissed and the prosecution set  
22          aside in accordance with Code of Criminal Procedure Articles 893 and 894.

23          (ii) If the defendant has been sentenced following the plea of guilty, then the  
24          successful completion of the Homelessness Court program may result in the  
25          discharge of the defendant from continued supervision.

26          (b) A waiver by the defendant of the right to trial by jury under the  
27          Constitution of Louisiana, the Constitution of the United States, and applicable laws.

28          (c) The defendant's full name.

1           (d) The defendant's full name at the time the complaint was filed, if different  
2           from the defendant's current name.

3           (e) The defendant's sex and date of birth.

4           (f) The crime before the court.

5           (g) The date the complaint was filed.

6           (h) The court in which the agreement was filed.

7           (i) A stipulation of the facts upon which the charge was based, as agreed to  
8           by the defendant and the district attorney.

9           (j) A provision that the defendant may be required to pay a probation  
10          supervision fee if ordered by the court.

11          (k) A provision, in cases where applicable, that the defendant may be  
12          required to pay restitution to the victim.

13          (l) A provision that the defendant, if ordered by the court, shall participate  
14          in appropriate job training or schooling or seek gainful employment once the  
15          defendant is receiving treatment as an outpatient or living in a halfway house.

16          (m) A copy of the plea agreement.

17          (3) To the extent of his financial resources, a defendant who is placed under  
18          the supervision of the Homelessness Court program may be required to pay a portion  
19          of or the entire cost of the treatment program to which he is assigned and the cost of  
20          any additional supervision that may be required, as determined by the Homelessness  
21          Court program.

22          (4) If the defendant does not have the financial resources to pay all the  
23          related costs of the probation program, any of the following may occur:

24          (a) The court, to the extent practicable, shall arrange for the defendant to be  
25          assigned to a treatment program funded by the state or federal government.

26          (b) The court, with the recommendation of the treatment program, may order  
27          the defendant to perform supervised work for the benefit of the community in lieu  
28          of paying all or a part of the costs relating to his treatment and supervision. The  
29          work shall be performed for and under the supervising authority of a parish,

1 municipality, or other political subdivision or agency of this state or a charitable  
2 organization that renders service to the community or its residents.

3 (c) Any and all fees may be waived at the discretion of the court.

4 D.(1) When appropriate, the imposition or execution of sentence shall be  
5 postponed while the defendant is enrolled in the treatment program. The defendant  
6 shall remain on probation as long as he follows the conditions of his agreement.

7 (2) The district attorney, at the conclusion of the period of probation and on  
8 advice of the person providing the defendant's treatment and the probation officer,  
9 may recommend that the court take one of the following courses of action:

10 (a)(i) Revoke the defendant's probation and sentence the defendant because  
11 he has not successfully completed the treatment and has violated one or more  
12 conditions of probation.

13 (ii) If the defendant has already been sentenced, revoke the probation and  
14 remand the defendant to the appropriate custodian for service of that sentence.

15 (b) Extend the period of probation so that the defendant may continue the  
16 program.

17 (c) Set aside the defendant's conviction and dismiss the prosecution because  
18 the defendant has successfully completed all the conditions of his probation and  
19 treatment agreement.

20 (3) The district attorney shall make the final determination on whether to  
21 request revocation, extension, or dismissal.

22 (4)(a) The treatment supervisor, probation officer, or the district attorney  
23 may file a motion with the court to request a hearing to determine if the defendant  
24 may remain in the program or whether the probation may be revoked and the  
25 defendant be removed from the program and sentenced or ordered to serve any  
26 sentence previously imposed if either of the following occur:

27 (i) The defendant enrolled in a program violates any condition of his  
28 probation or his treatment agreement.

1           (ii) The defendant appears to be performing unsatisfactorily in the assigned  
2           program.

3           (b) The defendant may be removed from the program or his treatment  
4           agreement may be changed to meet the defendant's specific needs if, at the hearing,  
5           the moving party shows sufficient proof that the defendant has violated his probation  
6           or his treatment agreement and has not shown a willingness to submit to  
7           rehabilitation.

8           (c) If the court finds that the defendant has violated a condition of his  
9           probation or a provision of his probation agreement and that the defendant should be  
10          removed from the probation program, the court may do either of the following:

11          (i) Revoke the probation and sentence of the defendant in accordance with  
12          his guilty plea.

13          (ii) If the defendant has been sentenced and the sentence suspended, order  
14          the defendant to begin serving the sentence.

15          (d) A defendant who has been admitted to the probation program, fails to  
16          complete the program, and is then sentenced to jail time for the offense shall receive  
17          credit for the time served in any correctional facility in connection with the charge  
18          before the court.

19          (e) The defendant, his probation officer, the district attorney, or his treatment  
20          provider may petition the court at any time and for any appropriate reason to  
21          reconsider, suspend, or modify its order for rehabilitation or treatment concerning  
22          that defendant.

23          (f) The burden of proof at all such hearings shall be the burden of proof  
24          required to revoke probation as provided by law.

25          E. The appropriate treatment program shall report the following changes or  
26          conditions to the district attorney at any periodic reporting period specified by the  
27          court:

28          (1) The defendant is changed from an inpatient to an outpatient.

29          (2) The defendant is transferred to another treatment center or program.

1           (3) The defendant fails to comply with program rules and treatment  
2           expectations.

3           (4) The defendant refuses to engage constructively in the treatment process.

4           (5) The defendant terminates his participation in the treatment program.

5           (6) The defendant is rehabilitated or has obtained the maximum benefits of  
6           rehabilitation or treatment.

7           F. The judge, after receiving the recommendation from the district attorney  
8           upon the defendant's successful completion of the Homelessness Court program and  
9           its terms and conditions, may vacate the judgment of conviction and dismiss the  
10          criminal proceedings against the defendant or may discharge the defendant from  
11          probation in accordance with Code of Criminal Procedure Articles 893 or 894.

12          G. Discharge and dismissal pursuant to this Chapter, as provided in Code of  
13          Criminal Procedure Articles 893 and 894, shall have the same effect as an acquittal,  
14          except that the conviction may be considered in order to provide the basis for  
15          subsequent prosecution of the party as a multiple offender and shall be considered  
16          as an offense for the purposes of any other law or laws relating to cumulation of  
17          offenses. Dismissal pursuant to this Chapter shall occur only once with respect to  
18          any defendant. Nothing in this Chapter shall be construed as a basis for the  
19          destruction of records of the arrest and prosecution of the defendant.

20          H. Nothing contained in this Chapter confers a right or an expectation of a  
21          right to treatment for a defendant or offender within the criminal justice system.

22          I. Each defendant shall contribute to the cost of any treatment received in the  
23          Homelessness Court program based upon guidelines developed by the Homelessness  
24          Court program. Any and all fees may be waived at the discretion of the court.

25          J. Each judicial district that establishes a Homelessness Court probation  
26          program shall adopt written policies and guidelines for the implementation of a  
27          probation program in accordance with this Chapter. The policies and guidelines  
28          shall include provisions concerning all of the following:

1           (1) How to examine the defendant initially to determine if he is qualified for  
2           enrollment.

3           (2) How to advise the defendant of the program if the court has reason to  
4           believe the defendant may suffer from alcohol or drug addiction or mental health  
5           problems or illnesses.

6           (3) What licensed treatment programs are certified by the court.

7           K. Each Homelessness Court program shall develop a method of evaluation  
8           so that its effectiveness can be measured. These evaluations shall be compiled  
9           annually and transmitted to the judicial administrator of the Louisiana Supreme  
10          Court.

11          L.(1) Except as otherwise provided by law, the registration and other records  
12          of a treatment facility are confidential and shall not be disclosed to any person not  
13          connected with the treatment facility or the Homelessness Court program and district  
14          attorney without the consent of the patient.

15          (2) The provisions of Paragraph (1) of this Subsection do not restrict the use  
16          of patients' records for the purpose of research into the cause and treatment of  
17          alcoholism and drug addiction and mental health illnesses, provided that such  
18          information shall not be published in a way that discloses the patient's name and  
19          identifying information.

20          M. No statement or any information procured with respect to the specific  
21          offenses of which the defendant is charged, which is provided to any probation  
22          officer or program treatment worker subsequent to the granting of probation, shall  
23          be admissible in any civil or criminal action or proceeding, except a Homelessness  
24          Court program probation revocation proceeding.

25          N. A record of the fact that a defendant has participated in a Homelessness  
26          Court program shall be sent to the office of the attorney general and shall be made  
27          available upon request to any district attorney for the purpose of determining  
28          previous participation in a Homelessness Court program.

1        §5386. Dismissal of certain criminal charges upon completion of Homelessness

2                Court probation program

3                A. Notwithstanding any other provision of law to the contrary and when it  
4                appears that the best interests of the public and of the defendant will be served, the  
5                court may, with the prior approval of the district attorney, defer proceedings and  
6                place any defendant eligible for participation in a Homelessness Court program on  
7                probation with reasonable terms and conditions as may be required by the court and  
8                in accordance with the provisions of this Chapter.

9                B. Upon the defendant's violation of any of the terms or conditions of his  
10               probation, the court may revoke his probation, enter an adjudication of guilt, and  
11               impose sentence upon the defendant. The entering of the adjudication of guilt shall  
12               be retroactive to the date the defendant pled guilty or was convicted pursuant to  
13               Subsection A of this Section, but the imposition or execution of sentence shall not  
14               be retroactive.

15               C. The court shall discharge the defendant and dismiss the proceedings  
16               against him upon fulfillment of the terms and conditions of probation imposed in  
17               accordance with this Section.

18               D. The discharge and dismissal of charges pursuant to this Section shall be  
19               without court adjudication of guilt and shall not be deemed a conviction for purposes  
20               of disqualifications or disabilities imposed by law upon conviction of a crime,  
21               including the additional penalties imposed for second or subsequent convictions  
22               pursuant to R.S. 40:982. The discharge and dismissal of charges pursuant to this  
23               Section may occur only once with respect to any defendant.

24        Section 2. R.S. 14:107.6 is hereby enacted to read as follows:

25        §107.6. Unauthorized camping on public property

26               A. Unauthorized camping on public property is the intentional use of any  
27               tent, shelter, or bedding constructed or arranged for the purpose of or in such a way  
28               to permit overnight use on public property that is not a designated camp ground.



1           (i) Lodging or residing overnight in a temporary outdoor habitation used as  
2           a dwelling or living space and evidenced by the erection of a tent, the presence of  
3           bedding or pillows, or the storage of personal belongings for the purpose of  
4           habitation.

5           (ii) Lodging or residing overnight in an outdoor space without a tent or other  
6           temporary shelter.

7           (b) "Public camping" does not mean any of the following:

8           (i) Lodging or residing overnight in a motor vehicle that is registered,  
9           insured, and located in a place where it is lawful to do so.

10          (ii) Camping for recreational purposes on property designated for such  
11          purposes.

12          (iii) Any camping, lodging, or other recreational activity in a state park.

13          §581.2. Prohibition of public camping; exceptions

14           A. Except as provided in Subsection B of this Section, no political  
15           subdivision shall authorize or otherwise allow any person to regularly engage in  
16           public camping on a public property, including but not limited to a public building  
17           or its grounds or a public right-of-way under the jurisdiction of the political  
18           subdivision.

19           B.(1) A political subdivision may, by majority vote of the political  
20           subdivision's governing body, designate property owned by the political subdivision  
21           or a municipality within the boundaries of the political subdivision to be used for a  
22           continuous period of no longer than one year for the purposes of public camping  
23           subject to all of the following conditions:

24           (a) There are not sufficient open beds in homeless shelters in the political  
25           subdivision for the homeless population of the political subdivision.

26           (b) The designated property is not contiguous with property designated for  
27           residential use by the political subdivision in the local government comprehensive  
28           plan and future land use map.

1           (c) The designated property would not adversely and materially affect the  
2           property value or safety and security of other existing residential or commercial  
3           property in the political subdivision and would not negatively affect the safety of  
4           children.

5           (2) The political subdivision shall notify the department within ten days of  
6           designating property for public camping in accordance with procedures established  
7           by the department.

8           C.(1) If a political subdivision designates property of the political  
9           subdivision or municipality to be used for public camping, it shall establish and  
10          maintain minimum standards and procedures related to the designated property for  
11          all of the following purposes:

12          (a) Ensuring the safety and security of the designated property and the  
13          persons lodging or residing on the property.

14          (b) Maintaining sanitation, including but not limited to providing access to  
15          clean and operable restrooms and running water.

16          (c) Coordinating with federal, state, local, and private entities to provide  
17          access to behavioral health services, which shall include substance abuse and mental  
18          health treatment resources.

19          (d) Prohibiting illegal substance use on the designated property and  
20          enforcing such prohibition.

21          (2) Within thirty days after designating property for public camping, the  
22          political subdivision shall publish the minimum standards and procedures on the  
23          website of the political subdivision. The political subdivision and municipality shall  
24          continue to make policies and procedures publicly available for as long as any  
25          political subdivision property remains designated for public camping.

26          D. The department may inspect a designated property at any time and the  
27          secretary may provide notice to the political subdivision with a recommendation that  
28          the designated property be closed if he determines that the requirements of this  
29          Section are no longer satisfied or if the surgeon general determines that there is a

1 public health threat or emergency. A political subdivision shall publish any notice  
2 issued by the department on the website of the political subdivision within five  
3 business days after receipt of the notice.

4 §581.3. Enforcement

5 A. The following parties may bring a civil action in any court of competent  
6 jurisdiction against the political subdivision or applicable municipality to enjoin a  
7 violation of this Part:

8 (1) A resident of the political subdivision who resides within one thousand  
9 feet of a public encampment that is not in a designated area as provided by this Part.

10 (2) An owner of a business or property that is located within one thousand  
11 feet of a public encampment that is not in a designated area as provided by this Part.

12 (3) A nonprofit organization located within one thousand feet of a public  
13 encampment that is not in a designated area as provided by this Part.

14 (4) The attorney general.

15 B. To the extent practicable, actions brought pursuant to this Part may be  
16 cumulated.

17 C. If any party authorized in Subsection A of this Section prevails in a civil  
18 action brought in accordance with this Section, the court may award reasonable  
19 expenses incurred in bringing the civil action, including court costs, reasonable  
20 attorney fees, investigative costs, witness fees, and deposition costs.

21 D. An application for injunction that is filed pursuant to this Section shall be  
22 accompanied by an affidavit attesting to all of the following:

23 (1) The applicant has provided written notice of the alleged violation of this  
24 Part to the governing authority of the political subdivision or applicable  
25 municipality.

26 (2) The applicant has provided the political subdivision or applicable  
27 municipality with a time period of thirty business days to cure the alleged violation.





- (4) The right of the defendant to be represented by legal counsel in all hearings.
- (5) The duties of the defendant, the court, and of the district attorney.
- (5) Disposition of the defendant upon satisfactory completion of or failure to complete the program.

Proposed law creates the crime of unauthorized camping on public property and provides that this crime is the intentional use of any tent, shelter, or bedding constructed or arranged for the purpose of or in such a way to permit overnight use on public property that is not a designated camp ground.

Proposed law defines "designated camp grounds" and "public property".

Proposed law provides for penalties as follows:

- (1) On a first conviction, a fine of not more than \$500, imprisonment for not more than six months, or both.
- (2) On a second or subsequent conviction, a fine of not more than \$1,000 and imprisonment with or without hard labor for not less than one year nor more than two years.

Proposed law provides that an offender who violates proposed law may be eligible for the Homelessness Court program, if such a program is available in the jurisdiction and the offender meets all of the requirements set forth in proposed law for participation in the program.

Proposed law provides for a statement of legislative intent and defines "department" with respect to the La. Dept. of Health (LDH) and "public camping".

Proposed law prohibits any political subdivision from permitting or otherwise allowing any person to regularly engage in public camping on a public property, including but not limited to a public building or its grounds or a public right-of-way under the jurisdiction of the political subdivision.

Proposed law authorizes a political subdivision, by majority vote of the political subdivision's governing body, to designate property owned by the political subdivision or a municipality within the boundaries of the political subdivision to be used for a continuous period of no longer than one year for the purposes of public camping subject to certain conditions.

Proposed law provides for duties of the LDH.

Proposed law requires the political subdivision to notify the LDH within 10 days of designating property for public camping in accordance with procedures established by LDH.

Proposed law requires a political subdivision to establish and maintain minimum standards and procedures for certain enumerated purposes related to any political subdivision or municipal property that is designated for public camping. Further provides for dissemination of these minimum standards and procedures on the website of the political subdivision within 30 days of designation.

Proposed law provides for a list of parties who are authorized to bring a civil action in any court of competent jurisdiction against the political subdivision or applicable municipality to enjoin a violation of proposed law.

Proposed law provides for the cumulation of actions, permits the court to award reasonable expenses incurred in bringing the civil action, and provides for the information to be provided within an application for injunction that is filed pursuant to proposed law.

Proposed law provides for certain time periods where enforcement against the political subdivision is not applicable.

Proposed law provides for duties of the state fire marshal.

Present law (R.S. 44:4.1(B)(6)) provides for a list of exemptions from public disclosure of certain information contained in present law (Title 13 of the La. R.S.).

Proposed law retains present law and adds the registration and other records of a treatment facility pertaining to the Homelessness Court program.

Proposed law relative to the Homelessness Court program, the crime of unauthorized camping on public property, and the public records exception shall become effective upon the governor's signature.

Proposed law relative to the prohibition, procedures, and enforcement pertaining to public camping shall become effective on Jan. 1, 2027.

(Amends R.S. 44:4.1(B)(6); Adds R.S. 13:5381-5386, R.S. 14:107.6, and R.S. 40:581.1-582)