

2026 Regular Session

HOUSE BILL NO. 790

BY REPRESENTATIVE JORDAN

CORRECTIONAL FACILITIES: Provides relative to medical emergency preparedness in correctional facilities

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 62(C) and to enact Part XX of  
3 Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
4 15:1199.31 through 1199.43, and R.S. 15:1199.44, relative to medical emergencies  
5 involving inmates; to provide for definitions; to provide for certain requirements and  
6 certifications; to provide for training; to provide for preventative measures and  
7 screening measures relative to contraband; to provide for duties; to provide for a  
8 cause of action; to provide for the recovery of damages; to provide for liability; to  
9 provide for criminal penalties; to provide for notification requirements and  
10 procedures; to provide for reporting; to provide for funding; to provide for  
11 severability; to provide for rulemaking; to provide relative to the authority of the  
12 attorney general; to provide for effective dates; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Part XX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of  
15 1950, comprised of R.S. 15:1199.31 through 1199.43, is hereby enacted to read as follows:

16 PART XX. LOUISIANA CORRECTIONAL FACILITY MEDICAL EMERGENCY  
17 RESPONSE AND ACCOUNTABILITY ACT

18 §1199.31. Short title

19 This Part shall be known and may be cited as the "Louisiana Correctional  
20 Facility Medical Emergency Response and Accountability Act".

1        §1199.32. Definitions2                As used in this Part, the following terms have the following meanings:3                (1) "Automated external defibrillator" means a medical device heart monitor  
4                and defibrillator that has all of the following characteristics:5                (a) Received approval of its pre-market notification filed pursuant to 21  
6                U.S.C. 360k from the United States Food and Drug Administration.7                (b) Is capable of recognizing the presence or absence of ventricular  
8                fibrillation or rapid ventricular tachycardia and is capable of determining whether  
9                defibrillation should be performed.10               (c) Automatically charges and requests delivery of an electrical impulse to  
11               the heart of an individual upon a determination that defibrillation should be  
12               performed.13               (d) Is capable of delivering the electrical impulse to the heart of an  
14               individual.15               (2) "Cardiopulmonary resuscitation" means the measures used to restore or  
16               support cardiac or respiratory function in the event of a cardiac or respiratory arrest.17               (3) "Chaplain" means any religious or spiritual counselor, whether  
18               employed, contracted, or a volunteer, who provides religious services within a  
19               correctional facility.20               (4) "Correctional facility" means any jail, prison, penitentiary, juvenile  
21               institution, temporary holding center, or detention facility.22               (5) "Correctional officer" means any person employed by or contracted with  
23               a correctional facility to supervise, guard, or maintain custody of inmates.24               (6) "Department" means the Department of Public Safety and Corrections.25               (7) "Immediate family member" means spouse, parents, children, siblings,  
26               grandparents, grandchildren, or legal guardian.27               (8) "Medical emergency" means any condition requiring immediate medical  
28               intervention, including but not limited to cardiac arrest, respiratory distress, seizure,  
29               loss of consciousness, severe bleeding, or suspected overdose.

1        §1199.33. Cardiopulmonary resuscitation; certification requirements

2            A.(1) Every correctional officer employed at a correctional facility in this  
3        state shall obtain and maintain a current certification in cardiopulmonary  
4        resuscitation and automated external defibrillator use from the American Heart  
5        Association, American Red Cross, or equivalent organization approved by the  
6        Louisiana Department of Health.

7            (2) Every chaplain who provides services within a correctional facility shall  
8        obtain and maintain a current certification in cardiopulmonary resuscitation and  
9        automated external defibrillator use from the American Heart Association, American  
10       Red Cross, or equivalent organization approved by the Louisiana Department of  
11       Health.

12           (3) Initial certification shall be obtained as follows:

13           (a) For every correctional officer and chaplain who is currently employed,  
14        within one hundred eighty days of January 1, 2027.

15           (b) For any correctional officer and chaplain who is hired on or after January  
16        1, 2027, within ninety days of employment or commencement of services.

17           B.(1) All personnel who are required to maintain certification in  
18        cardiopulmonary resuscitation pursuant to this Section shall recertify annually or as  
19        required by the certifying organization, whichever requires recertification on a more  
20        frequent basis.

21           (2) The warden of each correctional facility shall maintain documentation  
22        of all staff certifications and establish a tracking system to ensure timely  
23        recertification.

24           C. Cardiopulmonary resuscitation training shall include all of the following:

25           (1) Recognition of cardiac arrest and other medical emergencies.

26           (2) Hands-on practice with mannequins.

27           (3) Proper automated external defibrillator operation.

28           (4) Scene safety assessment.

29           (5) Communication with emergency medical services.

1           (6) Documentation requirements.

2           §1199.34. Automated external defibrillators

3           A.(1) Every correctional facility shall maintain a sufficient number of  
4           operational automated external defibrillators to ensure that at least one automated  
5           external defibrillator is available within a three-minute response time from any  
6           location within the facility where inmates are housed or congregate.

7           (2)(a) Every correctional facility shall maintain at least one automated  
8           external defibrillator in each of the following locations:

9           (i) Every housing unit or cellblock.

10          (ii) Any medical or infirmary area.

11          (iii) Recreational areas.

12          (iv) Visitation areas.

13          (b) In addition, one portable automated external defibrillator shall be  
14          maintained for emergency response teams.

15          B. All automated external defibrillators shall be inspected monthly to ensure  
16          operational readiness. Inspection records shall be maintained for a minimum of five  
17          years and made available to the department upon request.

18          C. Automated external defibrillators shall meet all of the following  
19          requirements:

20          (1) Clearly marked with signage that is visible from at least fifty feet.

21          (2) Stored in unlocked, accessible locations.

22          (3) Accompanied by written operating instructions.

23          (4) Equipped with adult and pediatric pads as appropriate.

24          §1199.35. Inmate cardiopulmonary resuscitation training program

25          A.(1) Each correctional facility shall establish a voluntary inmate  
26          cardiopulmonary resuscitation training program to train eligible inmates in basic  
27          cardiopulmonary resuscitation techniques.

28          (2) The department, in consultation with the Louisiana Department of  
29          Health, shall develop curriculum and eligibility criteria for inmate participants.

1           B.(1) An inmate with documented good behavior and no disciplinary  
2           infractions within the preceding six months may volunteer for cardiopulmonary  
3           resuscitation training.

4           (2) Priority shall be given to an inmate assigned to work details in areas  
5           where medical emergencies are more likely to occur or where staff presence is  
6           limited.

7           (3) Participation in the program shall be noted positively in the records of  
8           the inmate and considered in determinations regarding diminution of sentence at the  
9           discretion of the warden or facility administrator.

10          C. An inmate who successfully completes training may receive recognition  
11          but shall not be required to act or officially designated as a first responder.

12          D. Nothing in this Section shall impose a legal duty upon an inmate to  
13          render aid and the inmate shall not face disciplinary action for failure to provide  
14          assistance during a medical emergency.

15          §1199.36. Contraband prevention; staff screening

16          A.(1) All correctional officers and staff with direct inmate contact shall be  
17          subject to unannounced screening for contraband at random intervals, but no less  
18          than on a quarterly basis.

19          (2) Screening methods may include all of the following:

20          (a) Physical searches of persons and belongings.

21          (b) Metal detection.

22          (c) Drug testing.

23          (d) Review of communications and visitor logs.

24          (e) Financial disclosure reviews when reasonable suspicion exists that  
25          contraband has been introduced, sent, given, possessed, or attempted to be  
26          introduced, sent, given, or possessed at the correctional facility.

27          B.(1) The department shall establish standardized protocols for staff  
28          screening that respect employee dignity while ensuring facility security.

1           (2) Screening shall be conducted by designated personnel or third-party  
2           contractors independent of the facility's regular chain of command.

3           (3) Each facility shall document all screening activities and maintain records  
4           of these activities for a minimum of three years.

5           C. Any correctional officer or staff member who is confirmed to have  
6           introduced contraband into a correctional facility shall be subject to any of the  
7           following:

8           (1) Immediate suspension pending investigation.

9           (2) Termination of employment upon substantiation of charges.

10          (3) Criminal prosecution under R.S. 14:402 or any other applicable law.

11          (4) Permanent prohibition from employment in any correctional facility in  
12          this state.

13          §1199.37. Duty to render aid

14          A.(1) All correctional officers and staff have an affirmative duty to render  
15          immediate aid and summon emergency medical services upon discovery or  
16          notification of an inmate experiencing a medical emergency. For purposes of this  
17          Section, "render aid" includes all of the following:

18          (a) Engaging in an immediate assessment of the situation.

19          (b) Summoning emergency medical services and on-site medical staff.

20          (c) Beginning cardiopulmonary resuscitation and applying automated  
21          external defibrillator if cardiac arrest is suspected.

22          (d) Maintaining scene safety and preserving evidence for investigation.

23          (e) Ensuring continuous monitoring until professional medical personnel  
24          arrive.

25          B. No correctional officer or staff member shall do any of the following:

26          (1) Ignore, dismiss, or delay response to reports of an inmate medical  
27          emergency.

28          (2) Fail to summon emergency medical services.

29          (3) Interfere with emergency medical response.

1           (4) Fail to render aid within the scope of their training and certification.

2           (5) Retaliate against an inmate or staff member who reports a medical  
3 emergency.

4           C. Any medical emergency involving an inmate shall be documented in an  
5 incident report within two hours of the event. Documentation shall include all of the  
6 following:

7           (1) The approximate time the emergency was discovered or reported.

8           (2) The name of any responding staff.

9           (3) Actions taken, including the approximate time cardiopulmonary  
10 resuscitation was initiated and automated external defibrillator was applied.

11           (4) The approximate time emergency medical services were summoned and  
12 the approximate time they arrived.

13           (5) The name of any witnesses.

14           (6) The outcome and disposition of the medical emergency.

15           §1199.38. Civil liability

16           A.(1) An inmate who suffers an injury, or the estate or immediate family  
17 member of a deceased inmate, may bring a civil action against any correctional  
18 officer or staff member who does any of the following:

19           (a) Fails to render aid during a medical emergency in violation of R.S.  
20 15:1199.37.

21           (b) Acts with deliberate indifference to the serious medical needs of the  
22 inmate.

23           (c) Recklessly or intentionally delays medical response.

24           (2) Each correctional facility and its governing authority may be held liable  
25 for any of the following:

26           (a) Failure to properly train staff as required by this Part.

27           (b) Failure to maintain required automated external defibrillator equipment.

28           (c) Policies or customs that discourage or prevent adequate medical  
29 response.

1           (d) Inadequate supervision of staff members who have a history of failure  
2           to respond to medical emergencies.

3           B.(1) A prevailing plaintiff may recover any of the following:

4           (a) Compensatory damages for medical expenses, pain and suffering, and  
5           wrongful death.

6           (b) Punitive damages where the conduct was willful, wanton, or reckless.

7           (c) Attorney fees and costs.

8           (d) Any other relief deemed appropriate by the court.

9           (2) Sovereign immunity and qualified immunity shall not apply to claims  
10           arising under this Section where the conduct of the defendant constitutes gross  
11           negligence, deliberate indifference, or willful misconduct.

12           C.(1) The plaintiff shall have the burden of proving all elements of his claim  
13           by a preponderance of the evidence.

14           (2) Evidence of a defendant's failure to comply with the requirements of this  
15           Part shall create a rebuttable presumption of negligence.

16           §1199.39. Criminal penalties

17           A. No correctional officer or staff member with knowledge of a medical  
18           emergency involving an inmate shall intentionally, knowingly, or with gross  
19           negligence do any of the following:

20           (1) Fail to render aid or summon emergency medical services as required  
21           under R.S. 15:1199.37, and such failure results in serious bodily injury or death of  
22           the inmate.

23           (2) Interfere with, delay, or prevent a response to a medical emergency.

24           (3) File a false report concerning a response to a medical emergency or  
25           falsify documentation required under this Part.

26           B.(1) Whoever violates the provisions of Paragraph (A)(1) of this Section  
27           shall be fined not less than five thousand dollars nor more than twenty-five thousand  
28           dollars, imprisoned with or without hard labor for not less than one year nor more

1 than five years, or both. In addition, the offender shall be prohibited from  
2 employment in any correctional facility or law enforcement agency in this state.

3 (2) Whoever violates the provisions of Paragraph (A)(2) of this Section shall  
4 be fined not less than one thousand dollars nor more than ten thousand dollars,  
5 imprisoned with or without hard labor for not more than two years, or both. In  
6 addition, the offender shall be suspended or terminated from employment at the  
7 correctional facility.

8 (3) Whoever violates the provisions of Paragraph (A)(3) of this Section shall  
9 be fined not less than one thousand dollars nor more than five thousand dollars,  
10 imprisoned with or without hard labor for not more than six months, or both.

11 C. Nothing in this Section shall be construed to prevent prosecution under  
12 any other applicable provision of law.

13 §1199.40. Family notification requirements

14 A.(1) In the event of the death of an inmate, the warden, facility  
15 administrator, or designated official shall make all reasonable efforts to notify an  
16 immediate family member of the inmate within thirty minutes of the time of death  
17 as confirmed by medical personnel.

18 (2) Notification methods shall include all of the following in order of  
19 preference:

20 (a) Direct telephone contact with the immediate family member.

21 (b) Contact through a law enforcement welfare check.

22 (c) Notification through an emergency contact person designated by the  
23 inmate.

24 (3) If the facility is unable to contact an immediate family member within  
25 thirty minutes, the facility shall do all of the following:

26 (a) Document all attempts to contact any immediate family members.

27 (b) Continue attempts every hour for the first six hours.

28 (c) Notify any attorney of record for the inmate.

1           (d) Document the approximate time and method that contact with an  
2           immediate family member is successfully made.

3           B.(1) In the event an inmate suffers a life-threatening medical emergency  
4           that requires hospitalization or emergency surgery, the warden, facility administrator,  
5           or designated official shall make all reasonable efforts to notify an immediate family  
6           member within thirty minutes of the inmate's transport to an external medical  
7           facility.

8           (2) Notification shall include all of the following:

9           (a) The nature of the medical emergency, to the extent known.

10          (b) The medical facility where the inmate was transported.

11          (c) The contact information for the medical facility.

12          (d) The contact person at the medical facility for follow-up information.

13          C.(1) Any notification that is made pursuant to this Section shall be  
14          documented in writing and include all of the following:

15          (a) The confirmed time of death or approximate time of the critical medical  
16          emergency.

17          (b) The approximate time of notification attempts.

18          (c) The method of notification.

19          (d) The person notified and relationship of that person to the inmate.

20          (e) The approximate time that contact with an immediate family member was  
21          successfully made.

22          (f) The name of staff member who provided the notification.

23          (2) The correctional facility shall document and maintain all information  
24          pertaining to notification in the file of the inmate and provide this information to  
25          immediate family members upon request.

26          D. Failure to comply with the notification requirements of this Section shall  
27          result in any of the following:

28          (1) An administrative investigation of the warden, facility administrator, and  
29          any other responsible staff.

1           (2) Disciplinary action that may include termination.

2           (3) A civil penalty of not more than one thousand dollars per day for each  
3 day family notification is delayed beyond the required time period, payable to either  
4 the immediate family member or the estate of the inmate.

5           §1199.41. Reporting; oversight

6           A. The department shall submit an annual report to the legislature not later  
7 than March first with all of the following information:

8           (1) Compliance rates with cardiopulmonary resuscitation certification  
9 requirements by facility.

10           (2) The number and types of medical emergencies in correctional facilities.

11           (3) Response times and outcomes.

12           (4) The number of inmates trained in cardiopulmonary resuscitation.

13           (5) Staff screening results and contraband interdiction rates.

14           (6) Civil actions and criminal prosecutions instituted under this Part.

15           (7) Family notification compliance rates.

16           (8) Recommendations for response improvement to inmate medical  
17 emergencies.

18           B. The Louisiana legislative auditor shall conduct random audits of  
19 correctional facilities to ensure compliance with this Part. Audit findings shall be  
20 made public and reported to the legislature.

21           §1199.42. Funding

22           A.(1) The legislature shall appropriate sufficient funds to the department for  
23 implementation of this Part that include all of the following:

24           (a) Initial and ongoing cardiopulmonary resuscitation training costs.

25           (b) Purchase and maintenance of automated external defibrillator equipment.

26           (c) Staff screening program costs.

27           (d) Inmate training program costs.

28           (2) Correctional facilities may seek grants from federal and private sources  
29 to offset implementation costs.





Proposed law provides for a list of locations where every correctional facility is required to maintain at least one AED and requires the maintenance of one portable AED for emergency response teams.

Proposed law provides for monthly inspections of AED's, maintenance of inspection records, and other AED requirements.

Proposed law requires each correctional facility to establish a voluntary inmate CPR training program to train eligible inmates in basic CPR techniques and to develop, in consultation with the LDH, a curriculum and eligibility criteria for inmate participants.

Proposed law provides relative to inmate eligibility to volunteer for CPR training, priority for assignment of inmate work details, diminution of sentence considerations, clarification on the designation as a first responder, and the duty to render aid.

Proposed law provides that all correctional officers and staff with direct inmate contact shall be subject to unannounced screening for contraband at random intervals, but no less than on a quarterly basis.

Proposed law provides for the conditions included in screening methods.

Proposed law requires the DPS&C to establish standardized protocols for staff screening that respect employee dignity while ensuring facility security, provides for the entities tasked with conducting the screening, and requires documentation and maintenance of records.

Proposed law provides that any correctional officer or staff member who is confirmed to have introduced contraband into a correctional facility shall be subject to certain disciplinary measures and potential criminal prosecution.

Proposed law provides that all correctional officers and staff have an affirmative duty to render immediate aid and summon emergency medical services upon discovery or notification of an inmate experiencing a medical emergency. Further defines what is included within the term "render aid".

Proposed law prohibits a correctional officer or staff member from engaging in certain conduct as it relates to medical emergencies or responses to medical emergencies.

Proposed law requires that any medical emergency involving an inmate be documented in an incident report within two hours of the event. Further provides for the information that is to be included within the documentation.

Proposed law provides that an inmate who suffers an injury, or the estate or immediate family member of a deceased inmate, may bring a civil action against any correctional officer or staff member who does any of the following:

- (1) Fails to render aid during a medical emergency in violation of proposed law.
- (2) Acts with deliberate indifference to the serious medical needs of the inmate.
- (3) Recklessly or intentionally delays medical response.

Proposed law provides that each correctional facility and its governing authority may be held liable for certain acts or omissions.

Proposed law authorizes the recovery of certain damages and relief for a prevailing plaintiff.

Proposed law provides that the plaintiff shall have the burden of proving all elements of his claim by a preponderance of the evidence and that evidence of a defendant's failure to

comply with the requirements of proposed law shall create a rebuttable presumption of negligence.

Proposed law provides that no correctional officer or staff member with knowledge of a medical emergency involving an inmate shall intentionally, knowingly, or with gross negligence do any of the following:

- (1) Fail to render aid or summon emergency medical services as required under proposed law, and such failure results in serious bodily injury or death of the inmate.
- (2) Interfere with, delay, or prevent a response to a medical emergency.
- (3) File a false report concerning a response to a medical emergency or falsify documentation required under proposed law.

Proposed law provides for penalties as follows:

- (1) For the failure to render aid or summon emergency medical services, a fine of not less than \$5,000 nor more than \$25,000, imprisonment with or without hard labor for not less than one year nor more than five years, or both. In addition, the offender shall be prohibited from employment in any correctional facility or law enforcement agency in La.
- (2) For the interference with, delay, or prevention of a response to a medical emergency, a fine of not less than \$1,000 nor more than \$10,000, imprisonment with or without hard labor for not more than two years, or both. In addition, the offender shall be suspended or terminated from employment at the correctional facility.
- (3) For the filing of a report or falsification of documentation, a fine of not less than \$1,000 nor more than \$5,000, imprisonment with or without hard labor for not more than six months, or both.

Proposed law shall not be construed to prevent prosecution under any other applicable provision of law.

Proposed law requires the warden, facility administrator, or designated official to make all reasonable efforts, in the event of the death of an inmate, to notify an immediate family member of an inmate within 30 minutes of the time of death as confirmed by medical personnel.

Proposed law provides for notification methods in order of preference.

Proposed law provides for duties of a correctional facility if an immediate family member is unable to be contacted within 30 minutes.

Proposed law requires the warden, facility administrator, or designated official to make all reasonable efforts, in the event an inmate suffers a life-threatening medical emergency that requires hospitalization or emergency surgery, to notify an immediate family member within 30 minutes of the inmate's transport to an external medical facility.

Proposed law provides for the information to be included in the notification to an immediate family member and requires the correctional facility to document and maintain all information pertaining to notification.

Proposed law provides for administrative and civil penalties for the failure to comply with the notification requirements of proposed law.

Proposed law requires the DPS&C to submit an annual report to the Legislature not later than March 1<sup>st</sup> with certain information.

Proposed law requires the La. Legislative Auditor to conduct random audits of correctional facilities to ensure compliance with proposed law and provides that audit findings shall be made public and reported to the legislature.

Proposed law requires the legislature to appropriate sufficient funds for certain purposes to the DPS&C for implementation of proposed law.

Proposed law authorizes correctional facilities to seek grants from federal and private sources to offset implementation costs.

Proposed law provides that no correctional facility shall charge an inmate or his family any fee related to a medical emergency response, CPR training, or family notification required under proposed law.

Proposed law provides for severability.

Proposed law requires the DPS&C to promulgate rules and regulations necessary to implement the provisions of proposed law within 180 days of the effective date of proposed law and provides what is to be included in these rules and regulations.

Present law (C.Cr.P. Art. 62) provides for the authority of attorney general relative to supervision of district attorneys in this state.

Proposed law retains present law.

Present law permits the attorney general, with the consent of the district attorney, to investigate, prosecute or intervene in any criminal action or proceeding involving a homicidal death, if deemed necessary for the assertion or protection of the rights and interests of the state.

Proposed law amends present law to permit the attorney general to investigate, prosecute, or intervene in any criminal action or proceeding involving a violation of proposed law relative to medical emergencies involving inmates.

Proposed law relative to the rulemaking responsibilities of DPS&C shall become effective upon signature of governor or lapse of time for gubernatorial action.

Proposed law that enacts the "La. Correctional Facility Medical Emergency Response and Accountability Act" and provides relative to the authority of attorney general shall become effective on Jan. 1, 2027.

(Amends C.Cr.P. Art. 62(C); Adds R.S. 15:1199.31-1199.44)