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## DIGEST

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HB 790 Original

2026 Regular Session

Jordan

**Abstract:** Provides relative to medical emergency preparedness in correctional facilities.

Proposed law shall be known and may be cited as the "La. Correctional Facility Medical Emergency Response and Accountability Act".

Proposed law defines the terms "automated external defibrillator", "cardiopulmonary resuscitation", "chaplain", "correctional facility", "correctional officer", "department", "immediate family member", and "medical emergency".

Proposed law provides that every correctional officer employed and every chaplain who provides services within a correctional facility in La. shall obtain and maintain a current certification in cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) use from the American Heart Assoc., American Red Cross, or equivalent organization approved by the LDH.

Proposed law provides for timelines for the obtaining of initial certification and recertification.

Proposed law requires the warden of each correctional facility to maintain documentation of all staff certifications and establish a tracking system to ensure timely recertification.

Proposed law provides for the requirements to be included within CPR training.

Proposed law requires every correctional facility to maintain a sufficient number of operational AED's to ensure that at least one AED is available within a three-minute response time from any location within the facility where inmates are housed or congregate.

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)