

2026 Regular Session

HOUSE BILL NO. 828

BY REPRESENTATIVE JORDAN

CORRECTIONS: Provides relative to the Louisiana Correctional Medical Review Board

1 AN ACT

2 To enact Part XX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 15:1199.44 and 1199.45, relative to medical emergency
4 preparedness, independent oversight, and accountability in correctional facilities; to
5 create the Louisiana Correctional Medical Review Board; to provide for membership
6 of the board; to provide for duties of the board; to provide for notification to the
7 board when an inmate death occurs; to provide for powers of the board when
8 conducting a review; to provide for reports issued by the board; to provide for rights
9 of the immediate family of the decedent; to prohibit retaliation; to provide for
10 funding and staffing of the board; to provide for rulemaking; and to provide for
11 related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Part XX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of
14 1950, comprised of R.S. 15:1199.44 and 1199.45, is hereby enacted to read as follows:

15 PART XX. CORRECTIONAL MEDICAL REVIEW BOARD

16 §1199.44. Louisiana Correctional Medical Review Board; establishment;
17 composition; powers

18 A. Created in this Part is the Louisiana Correctional Medical Review Board,
19 hereinafter referred to as the "review board," as an independent body within the
20 office of the legislative auditor, separate and independent from the Department of
21 Public Safety and Corrections.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 B. The review board shall consist of nine members as follows:

2 (1) Three physicians licensed to practice medicine in this state, at least one
3 of whom shall be board-certified in forensic pathology, appointed by the Louisiana
4 State Medical Society.

5 (2) One registered nurse with correctional care experience, appointed by the
6 Louisiana State Nurses Association.

7 (3) One attorney with demonstrated experience in civil rights or prisoner
8 rights litigation, appointed by the Louisiana State Bar Association.

9 (4) One representative of a nonprofit organization that advocates for
10 incarcerated persons or their families, appointed by the governor.

11 (5) One former law enforcement or correctional administrator with at least
12 ten years of experience, appointed by the Speaker of the House of Representatives.

13 (6) One public health expert, appointed by the secretary of the Louisiana
14 Department of Health.

15 (7) One immediate family member of a person who died while in the custody
16 of a Louisiana correctional facility, appointed by the President of the Senate.

17 C.(1) No member of the review board shall be currently employed by,
18 contracted with, or have a financial interest in any correctional facility or the
19 Department of Public Safety and Corrections.

20 (2) Members shall serve four-year staggered terms and may be reappointed
21 once. Initial appointments will be staggered terms so that approximately half the
22 terms expire every two years.

23 (3) A member may be removed by a two-thirds vote of the full review board
24 for cause, including malfeasance, nonfeasance, or neglect of duty.

25 D. The review board shall conduct an independent review of every in-
26 custody death occurring in a correctional facility in this state, without exception.
27 Review shall be initiated within seventy-two hours of the death being reported to the
28 review board pursuant to Subsection E of this Section.

1 E.(1) The warden or facility administrator of any correctional facility in
2 which an in-custody death occurs shall notify the review board within two hours of
3 the confirmed time of death.

4 (2) Notification shall include the name and booking number of the deceased,
5 the time and location of death, a preliminary account of the circumstances, and the
6 identity of any medical personnel who responded.

7 (3) Failure to provide timely notification shall subject the warden or facility
8 administrator to a civil penalty of not less than five hundred dollars nor more than
9 five thousand dollars per day for each day notification is delayed, assessed by the
10 review board and payable to the state general fund.

11 F. In conducting any review, the review board has all of the following
12 powers:

13 (1) To compel the production of all medical records, incident reports,
14 surveillance footage, communications logs, and any other documentation related to
15 the death, within five business days of the request.

16 (2) To interview, under oath, any correctional officer, staff member, medical
17 personnel, inmate witness, or other person with relevant knowledge. The review
18 board may issue subpoenas to compel attendance and testimony, enforceable in the
19 district court of the parish where the facility is located.

20 (3) To conduct unannounced inspections of the correctional facility relevant
21 to the death.

22 (4) To retain independent forensic pathologists, toxicologists, or other
23 medical experts at state expense to review autopsy findings, medical records, or other
24 evidence.

25 (5) To request and review any prior incident reports, medical emergency
26 records, or review board findings related to the same facility.

27 G. In any case where the cause of death is disputed, unclear, or involves
28 allegations of staff misconduct or failure to render aid. the following may or shall
29 occur:

1 (1) The review board may order an independent autopsy to be performed by
2 a forensic pathologist selected by the review board who has no prior relationship
3 with the facility or the decedent.

4 (2) The cost of the independent autopsy shall be borne by the state.

5 (3) Results of the independent autopsy shall be provided to the review board,
6 the decedent's immediate family, and the attorney of record for the estate, if any.

7 H.(1) Within sixty days of initiating a review, the review board shall issue
8 a written report containing all of the following:

9 (a) A factual summary of the circumstances of the death.

10 (b) A determination of whether the correctional facility complied with the
11 requirements of this Part.

12 (c) A determination of whether any staff member failed to render aid,
13 delayed response, falsified records, or otherwise violated this Part.

14 (d) Specific recommendations for corrective action, including but not limited
15 to staff retraining, facility policy changes, personnel disciplinary action, or criminal
16 referral.

17 (e) Any systemic findings applicable to other correctional facilities.

18 (2) The review board may extend the review period by an additional thirty
19 days upon written notice stating the reason for the extension.

20 I.(1) If the review board determines that there is probable cause to believe
21 that a criminal violation of R.S. 15:1199.39 or any other provision of law occurred,
22 it shall refer the matter to the attorney general and the district attorney of the relevant
23 parish for criminal investigation and prosecution.

24 (2) If the review board determines that a civil rights violation may have
25 occurred, it shall refer the matter to the United States Department of Justice, Civil
26 Rights Division.

27 (3) If the review board finds that a licensed healthcare professional failed to
28 meet the applicable standard of care, it shall refer the matter to the relevant
29 professional licensing board.

1 J.(1) All review board reports shall be public records available on the review
2 board's website within ten business days of issuance.

3 (2) The identity of inmate witnesses who request confidentiality shall be
4 redacted from public reports. The review board shall take all reasonable measures
5 to protect inmate witnesses from retaliation.

6 (3) The review board shall publish an annual summary report no later than
7 February first of each year, including the total number of in-custody deaths reviewed,
8 findings by category and facility, referrals made, and corrective actions taken or
9 pending.

10 K. The immediate family of a deceased inmate, or a legal representative,
11 shall have the right to do all of the following:

12 (1) Receive a copy of the review board's full report within five business days
13 of issuance.

14 (2) Submit written statements or evidence to the review board for
15 consideration during the review period.

16 (3) Appear before the review board to provide testimony during any public
17 hearing held in connection with the review.

18 L. No correctional officer, staff member, administrator, or any other person
19 shall retaliate against any inmate, staff member, or other witness who cooperates
20 with a review board investigation. Retaliation constitutes a separate violation of this
21 Part subject to the civil and criminal penalties provided in R.S. 15:1199.38 and R.S.
22 15:1199.39.

23 M.(1) The legislature shall appropriate sufficient funds to support the
24 operations of the review board, including staff, legal counsel, expert witness fees,
25 independent autopsy costs, and administrative expenses.

26 (2) The review board shall employ at least one full-time executive director,
27 one full-time staff attorney, and such other staff as necessary to fulfill its duties
28 established in this Part.

1 (3) Members of the review board who are not public employees shall receive
2 a per diem of one hundred fifty dollars for each day of official service, plus
3 reimbursement of reasonable travel expenses.

4 N. Nothing in this Section shall be construed to limit or replace the
5 investigative jurisdiction of any law enforcement agency, the legislative auditor, the
6 Department of Public Safety and Corrections, or any court of competent jurisdiction.

7 The review board's function is supplemental and independent.

8 §1199.45. Rulemaking

9 A. The Department of Public Safety and Corections shall promulgate rules
10 and regulations necessary to implement the provisions of this Part pursuant to the
11 Administrative Procedure Act.

12 B. The review board shall adopt rules of procedure governing its review
13 process, subpoena practice, public hearing procedures, witness confidentiality
14 protections, and report issuance, consistent with the Administrative Procedure Act.

15 Section 2. The review board staffing and appropriations provisions of R.S.
16 15:1199.44(M) and the rulemaking provisions of R.S. 15:1199.45(B) shall become effective
17 upon signature by the governor or upon expiration of the time for bills to become law
18 without a signature. All remaining provisions shall become effective on January 1, 2027.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 828 Original

2026 Regular Session

Jordan

Abstract: Creates the Correctional Medical Review Bd. to investigate in-custody deaths of inmates.

Proposed law creates the Correctional Medical Review Bd. and tasks the board with each inmate death that occurs at a correctional facility in the state of La.

Proposed law lists the members of the board and by whom they are appointed.

Proposed law requires the warden or facility administrator of every facility to notify the board within two hours of the confirmed time of death of an inmate.

Proposed law provides for the contents of a notification to the board and consequences for a late notification.

Proposed law grants powers to the board when conducting a review, including to compel the production of records, to interview staff, medical personnel, witnesses, or other persons and to subpoena such individuals, to conduct unannounced inspections, to retain medical experts, and to request previous incident reports made by the board.

Proposed law provides that in cases where the cause of death is in dispute, unclear, or involves allegations of staff misconduct, the board may order an independent autopsy.

Proposed law requires the board to issue a written report within 60 days of initiating a review.

Proposed law requires the board to include in the review a summary of the circumstances of death, a determination as to whether the correctional facility complied with proposed law, a determination of whether staff failed to render aid, delayed response, or falsified records, and any systemic findings

Proposed law allows the board to extend the review by 30 days with written notice stating the reason for extension.

Proposed law requires the board to refer the matter to the attorney general and district attorney where the facility is located if it determines there is probable cause for a criminal violation.

Proposed law requires the board to notify the U.S. Dept. of Justice, Civil Rights Division, if it determines that a civil rights violation may have occurred.

Proposed law requires the board to notify the relevant professional licensing board if it finds that a licensed healthcare profession did not meet the applicable standard of care.

Proposed law provides that the board's reports are public records and that witnesses who request confidentiality shall be redacted from the reports.

Proposed law requires the board to publish an annual summary report including the number of deaths reviewed, findings, referrals, and corrective actions taken or pending.

Proposed law provides rights to the immediate family members of the decedent, including the right to review the board's findings within five business days, submit written statements to the board, and appear before the board during public hearings.

Proposed law prohibits retaliation against inmates, staff members, and witnesses.

Proposed law provides for appropriation of funds to support the board and its full-time staff.

Proposed law directs the Dept. of Public Safety and Corrections and the board to adopt rules and regulations for implementing proposed law.

Proposed law (R.S. 15:1199.44(M) and 1199.45) relative to staffing, appropriations, and rulemaking becomes effective upon signature of the governor or lapse of time for gubernatorial action.

The remaining provisions of proposed law become effective on Jan. 1, 2027.

(Adds R.S. 15:1199.44 and 1199.45)