

2026 Regular Session

HOUSE BILL NO. 968

BY REPRESENTATIVE TURNER

CRIMINAL/JUSTICE: Provides relative to electronic monitoring and associated costs

1 AN ACT

2 To amend and reenact R.S. 15:571.37(B) through (D) and (E)(1) and to enact R.S.
3 15:571.37(F), relative to electronic monitoring; to provide relative to payment of
4 costs for electronic monitoring supervision; to provide for conditions of electronic
5 monitoring; to provide for penalties; to provide for duties of the court; to provide for
6 contradictory hearings; to provide for duties of electronic monitoring service
7 providers; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:571.37(B) through (D) and (E)(1) are hereby amended and
10 reenacted and 15:571.37(F) is hereby enacted to read as follows:

11 §571.37. Electronic monitoring programs

12 * * *

13 B.(1) The cost for an adult participating in an electronic monitoring program
14 shall be borne by the person being monitored. The court may waive the cost of
15 electronic monitoring in a juvenile matter or in any other matter at the request of the
16 entity that is otherwise responsible for the cost of monitoring.

17 (2) Any adult who is subject to electronic monitoring and required to pay the
18 costs of monitoring shall provide an electronic monitoring service provider with a
19 method of payment or payment arrangement acceptable to that provider.

20 C.(1) As a condition of electronic monitoring, and notwithstanding any other
21 provision of law, a person subject to electronic monitoring, including a juvenile,
22 shall do all of the following:

1 transmission, mail, or any other method reasonably calculated to provide notice.
2 Electronic delivery to any required recipient is sufficient when sent to the last known
3 or designated contact information for that recipient.

4 (b) The provider shall certify in writing the delivery, attempted delivery, or
5 electronic transmission of the report, including the date, time, recipient, and method
6 used. The provider may also attach supporting documentation, including text
7 records, email records, account records, invoices, or other proof of transmission or
8 delinquency. The offender's acknowledgment or signature may be included if
9 obtained, but such acknowledgment or signature does not affect the validity of the
10 report if the delivery, attempted delivery, or any other lawful notice is certified by
11 the provider or delivering agent.

12 (4)(a) The delinquency report and notice shall include, at minimum, all of
13 the following:

14 (i) The monitored individual's name, case number, and court section or
15 division.

16 (ii) The outstanding or delinquent amount lawfully owed and the relevant
17 due date.

18 (iii) The date of notice.

19 (iv) A statement that the provider is terminating the services rendered
20 through its agency for nonpayment or delinquency.

21 (v) A certification of delivery, attempted delivery, or other lawful notice.

22 (b) The report may be made on a form customarily used by the provider if
23 it contains the information required by this Paragraph. Supporting documentation
24 that is sufficient to establish the claimed delinquency, including an invoice, account
25 statement, or similar record, shall be provided to the court and the monitored
26 individual and may be provided to the district attorney or surety either upon the
27 request of the court or when relevant to the contradictory hearing.

28 (c)(i) The filing of the report and notice commences the time period for
29 setting the contradictory hearing. The court shall set the matter for contradictory

1 hearing within ten days of filing, exclusive of legal holidays, or on the earliest date
2 authorized by law that permits service and notice upon required parties.

3 (ii) If the court fails to set the contradictory hearing within the time required
4 by this Subparagraph, the provider may file a certificate of non-setting and final
5 notice of termination in the pending criminal proceeding. The provider shall make
6 every reasonable attempt to deliver the certificate and notice to the monitored
7 individual, the court, the district attorney, and any surety whose bail undertaking
8 may be affected.

9 (iii) The provider may remove its device and terminate the services rendered
10 through its agency unless the court issues a written interim order before expiration
11 of twenty-four hours after receipt of the certificate and final notice of termination.
12 Any interim order entered pursuant to this Item shall set forth the date and time of
13 the continued proceeding or required appearance, which shall be within seventy-two
14 hours of receipt of the certificate and final notice of termination, and shall specify
15 the temporary supervision, custodial, transfer, or bail status of the monitored
16 individual pending further order of the court.

17 (5)(a) If the monitored individual, after proper notice, fails to appear as
18 required by the court, the court shall issue a warrant for the arrest of the monitored
19 individual. The monitored individual remains responsible for the full contracted fee
20 that is lawfully owed to the provider through the date the provider's device is actually
21 removed.

22 (b) Upon removal of the device, the provider shall promptly notify the court,
23 the district attorney, the monitored individual, and any affected surety that the device
24 has been removed and that services rendered through the provider's agency have
25 been terminated.

26 (6) The provider, or an authorized representative of the provider with
27 knowledge of the delinquency, notice, and supervision status, shall appear at the
28 contradictory hearing either in person or by electronic means as authorized by the
29 court unless any of the following occur:

- 1 (a) The hearing has been withdrawn.
- 2 (b) The parties stipulate to the delinquency and transition terms.
- 3 (c) The court waives the provider's appearance for good cause shown.
- 4 (7)(a) The court shall determine all of the following at the contradictory
5 hearing:
- 6 (i) Whether electronic monitoring or other supervision remains required.
- 7 (ii) Whether the monitored individual is allowed, within a period not to
8 exceed twenty-four hours, to secure another electronic monitoring service provider
9 that meets the requirements of R.S. 15:571.36.
- 10 (iii) The conditions that govern the monitored individual during any interim
11 period.
- 12 (iv) Whether bail or any other conditions need to be modified.
- 13 (v) Whether the surety agrees to remain bound under the modified bail order,
14 requires substitute security authorized by law, or does not want to remain bound
15 under the modified bail order.
- 16 (vi) Whether remand to custody or another lawful disposition is necessary
17 to protect public safety, victim safety, the monitored individual's appearance in court,
18 or the integrity of the court's previous order.
- 19 (vii) The deadlines, installment terms, or other lawful payment conditions
20 under which the outstanding or delinquent amount lawfully owed to the provider is
21 to be paid.
- 22 (b) If the court determines that an outstanding or delinquent amount is
23 lawfully owed to the provider, the court shall order the monitored individual to pay
24 that amount and may establish deadlines, installment terms, or other lawful payment
25 conditions for satisfaction of that amount. Payment shall be made directly to the
26 provider unless otherwise ordered by the court or agreed by the provider.
- 27 (c) Nothing in this Paragraph authorizes the court to alter, reduce, or rewrite
28 the provider's contracted, authorized, or otherwise lawfully assessed charges without
29 the provider's consent.

1 (d) The court may assess filing costs or court costs associated with the
2 contradictory hearing against the monitored individual as provided by law.

3 (8)(a) Nothing in this Subsection requires an electronic monitoring service
4 provider to continue supervision of a monitored individual through its agency
5 beyond either the contradictory hearing or any replacement period that is expressly
6 ordered by the court.

7 (b) Upon the filing of the delinquency report and notice of hearing request,
8 the monitored individual's current provider shall continue to supervise the monitored
9 individual and report violations in accordance with R.S. 15:571.36 and 571.37 until
10 the contradictory hearing is held. If the court permits the monitored individual a
11 period of not longer than twenty-four hours to secure another electronic monitoring
12 service provider who meets the requirements of R.S. 15:571.36, the provider shall
13 continue to supervise the monitored individual through this replacement period
14 unless otherwise ordered by the court.

15 (9)(a) If the court permits the monitored individual a period of not longer
16 than twenty-four hours to secure another electronic monitoring service provider who
17 meets the requirements of R.S. 15:571.36, the monitored individual shall enroll with
18 the new provider and have the new monitoring device installed before the prior
19 provider's device is removed unless the court orders another transition method
20 sufficient to ensure that no gap in supervision occurs.

21 (b) The monitored individual's previous provider shall make every
22 reasonable attempt to immediately remove its device upon confirmation that the new
23 provider's device has been installed. Removal shall be completed within the
24 twenty-four hour transition period unless the court expressly orders another method
25 or time period.

26 (c) The monitored individual shall report to the provider who is removing
27 the device, or comply with another removal procedure ordered by the court, for
28 removal of the previous provider's device. The monitored individual is responsible
29 for the full contracted fee lawfully owed to the previous provider until the previous

1 provider's device is removed, unless otherwise ordered by the court or agreed by the
2 provider.

3 (d) The court may order the monitored individual to appear on the next
4 judicial day, or on the next day ordered by the court, to confirm installation of the
5 new device or removal by the previous provider's agency. If confirmation pursuant
6 to this Subparagraph does not occur, the court may address the monitored
7 individual's continued supervision status, bail status, and any further lawful
8 conditions or custodial disposition after hearing from any affected surety.

9 (10)(a) When a bail undertaking may be affected, the surety shall be
10 provided notice and may appear or submit a written response consistent with Code
11 of Criminal Procedure Article 319.

12 (b) A written surety acknowledgment, objection, or substitution form may
13 be submitted on a form customarily used by the surety if it contains the information
14 necessary to advise the court whether the surety agrees to remain bound, requires
15 substitute security authorized by law, or does not want to remain bound under the
16 modified bail order.

17 (c) Nothing in this Paragraph prohibits the surety from requiring the
18 monitored individual to comply with the supervision or check-in requirements of the
19 surety as conditions of the surety's willingness to remain on the bond. The
20 requirements provided in this Subparagraph do not constitute court-ordered
21 conditions of release unless expressly adopted by the court.

22 (d) Nothing in this Paragraph limits the surety's rights as otherwise provided
23 by law.

24 (11)(a) When the contradictory hearing, any continued setting, or any
25 certificate of non-setting and final notice of termination results in removal of an
26 electronic monitoring device, reduction of supervision, modification of a condition
27 previously imposed for victim safety, or release from custody or supervision status
28 that may affect victim safety, notice to any known victim shall be made in the
29 manner otherwise provided by law.

Proposed law retains present law and requires any adult who is subject to electronic monitoring and the associated costs of electronic monitoring to provide the electronic monitoring service provider with a method of payment as a means to guarantee payment.

Present law provides for conditions of electronic monitoring.

Proposed law retains present law and permits an additional monitoring condition of repayment in accordance with proposed law.

Proposed law provides for the duties of electronic monitoring service providers and the court relative to a monitored individual's nonpayment of supervision fees. Further provides for notice procedures, contradictory hearings, the responsibility of the monitored individual relative to nonpayment of supervision fees, procedures for removal of monitoring devices, authorized actions of sureties, and limitations.

(Amends R.S. 15:571.37(B)-(D) and (E)(1); Adds R.S. 15:571.37(F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Clarify that proposed law relative to payment of monitoring costs applies to adults under electronic monitoring supervision.
2. Remove specific references to the method of payment for monitoring costs.
3. Clarify that an additional monitoring condition of repayment of monitoring fees may be an imposed condition, rather than mandatory.
4. Remove proposed law that requires the court to issue a warrant for the arrest of a monitored person who fails to satisfy all or a portion of an outstanding or delinquent payment within the time period provided in proposed law.
5. Remove proposed law relative to procedures and duties of the court and electronic monitoring supervision providers when a monitored person fails to pay any costs associated with electronic monitoring.
6. Add duties of electronic monitoring supervision providers and the court relative to the monitored individual's nonpayment of supervision fees, notice procedures, contradictory hearings, the responsibility of the monitored individual relative to nonpayment of supervision fees, procedures for removal of monitoring devices, authorized actions of sureties, and limitations.
7. Make technical changes.