

2026 Regular Session

HOUSE BILL NO. 968

BY REPRESENTATIVE TURNER

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 hearings; to provide for duties of electronic monitoring service providers; and to
7 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:

23 ~~(+)~~ (a) Maintain the monitoring equipment in normal working order
24 including but not limited to keeping the monitoring equipment charged.

25 ~~(-)~~ (b) Consent to immediate cooperation with and acquiesce to any efforts
26 to evaluate, diagnose, and repair any technical issues associated with the device and

1 monitoring by the electronic monitoring company, which may include but not be
 2 limited to reasonable detention by law enforcement.

3 (2) An additional condition of repayment may be imposed in accordance
 4 with a court order entered pursuant to Subsection F of this Section.

5 D. Electronic monitoring service providers operating in this state shall
 6 actively monitor any person subject to electronic monitoring for compliance and
 7 report any violation in accordance with R.S. 15:571.36. Daily noncompliance
 8 reports shall be provided to the ~~district attorney~~ prosecuting authority regarding the
 9 person being monitored.

10 E.(1) ~~Upon a finding of noncompliance, the~~ The court may, either on its own
 11 motion or ~~that~~ on motion of the district attorney, issue a warrant for the arrest of a
 12 person subject to electronic monitoring upon a finding of noncompliance.

13 * * *

14 F.(1) This Subsection is applicable only to a person tried as an adult who is
 15 subject to court-ordered electronic monitoring in a criminal proceeding.

16 (2) If the monitored individual fails to pay an outstanding or delinquent
 17 amount lawfully owed for electronic monitoring services, the electronic monitoring
 18 service provider may file a written delinquency report and notice of hearing request
 19 in the pending criminal proceeding and by notifying the court that the provider is
 20 terminating the services rendered through its agency for nonpayment or delinquency.

21 (3)(a) The provider shall make every reasonable attempt to deliver the report
 22 to the monitored individual, the court, the district attorney, and any surety, bail
 23 agent, or bondsman whose bail undertaking may be affected. Delivery or notice in
 24 accordance with this Paragraph may be made by personal delivery, electronic mail,
 25 text message, other electronic transmission, mail, or any other method reasonably
 26 calculated to provide notice including using information provided on the bail
 27 undertaking pursuant to Code of Criminal Procedure Article 329. Electronic delivery
 28 to any required recipient is sufficient when sent to the last known or designated
 29 contact information for that recipient.

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

9 **(4)(a) The delinquency report and notice shall include, at minimum, all of**
10 **the following:**

11 **(i) The monitored individual's name, case number, and court section or**
12 **division.**

13 **(ii) The outstanding or delinquent amount lawfully owed and the relevant**
14 **due date.**

15 **(iii) The date of notice.**

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

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

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

25 **(c)(i) The filing of the report and notice commences the time period for**
26 **setting the hearing. The court shall set the matter for hearing within fifteen days of**
27 **filing, exclusive of legal holidays, or on the earliest date authorized by law that**
28 **permits service and notice upon required parties.**

29 **(ii) If the court fails to set the hearing within the time required by this**
30 **Subparagraph, the provider may file a certificate of non-setting and final notice of**

1 termination in the pending criminal proceeding. The provider shall make every
2 reasonable attempt to deliver the certificate and notice to the monitored individual,
3 the court, the district attorney, and any surety whose bail undertaking may be
4 affected.

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

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

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

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

26 (a) The hearing has been withdrawn.

27 (b) The parties stipulate to the delinquency and transition terms.

28 (c) The court waives the provider's appearance for good cause shown.

29 (7)(a) The court shall determine all of the following at the hearing:

30 (i) Whether electronic monitoring or other supervision remains required.

1 (ii) Whether the monitored individual is allowed, within a period not to
2 exceed twenty-four hours, to secure another electronic monitoring service provider
3 that meets the requirements of R.S. 15:571.36.

4 (iii) The conditions that govern the monitored individual during any interim
5 period.

6 (iv) Whether bail or any other conditions need to be modified.

7 (v) Subject to the requirements of Code of Criminal Procedure Article 319,
8 whether the surety agrees to remain bound under the modified bail order, requires
9 substitute security authorized by law, or does not want to remain bound under the
10 modified bail order.

11 (vi) Whether remand to custody or another lawful disposition is necessary
12 to protect public safety, victim safety, the monitored individual's appearance in court,
13 or the integrity of the court's previous order.

14 (vii) The deadlines, installment terms, or other lawful payment conditions
15 under which the outstanding or delinquent amount lawfully owed to the provider is
16 to be paid.

17 (b) If the court determines that an outstanding or delinquent amount is
18 lawfully owed to the provider, the court shall order the monitored individual to pay
19 that amount and may establish deadlines, installment terms, or other lawful payment
20 conditions for satisfaction of that amount. Payment shall be made directly to the
21 provider unless otherwise ordered by the court or agreed by the provider.

22 (c) Nothing in this Paragraph authorizes the court to alter, reduce, or rewrite
23 the provider's contracted, authorized, or otherwise lawfully assessed charges without
24 the provider's consent.

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

29 (b) Upon the filing of the delinquency report and notice of hearing request,
30 the monitored individual's current provider shall continue to supervise the monitored

1 individual and report violations in accordance with R.S. 15:571.36 and 571.37 until
2 the hearing is held. If the court permits the monitored individual a period of not
3 longer than twenty-four hours to secure another electronic monitoring service
4 provider who meets the requirements of R.S. 15:571.36, the provider shall continue
5 to supervise the monitored individual through this replacement period unless
6 otherwise ordered by the court.

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

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

18 (c) The monitored individual shall report to the provider who is removing
19 the device, or comply with another removal procedure ordered by the court, for
20 removal of the previous provider's device. The monitored individual is responsible
21 for the full contracted fee lawfully owed to the previous provider until the previous
22 provider's device is removed, unless otherwise ordered by the court or agreed by the
23 provider.

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

1 (10)(a) When a bail undertaking may be modified, the surety shall be
2 provided notice of a posting and may appear or submit a written response consistent
3 with Code of Criminal Procedure Article 319.

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

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

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

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

22 (b) The district attorney shall make every reasonable effort to notify any
23 known victim of the setting, continuance, cancellation, reset, or non-setting of any
24 hearing. If the provider has previously received victim contact information from the
25 victim, the provider may also make a reasonable attempt to notify the victim.
26 Nothing in this Subparagraph requires a provider to obtain victim contact
27 information from any other person or agency.

28 (c) Any victim who has been notified may submit a written victim impact
29 statement and may be heard to the extent permitted by law or by the court.

1 (12) If the monitored individual satisfies the outstanding or delinquent
 2 amount lawfully owed or otherwise resolves the delinquency to the provider's
 3 satisfaction prior to the hearing, the provider may file a supplemental report
 4 withdrawing the hearing request. Upon filing of the supplemental report, the hearing
 5 may be cancelled unless the court determines that another issue regarding
 6 supervision, bail, victim safety, or public safety remains pending.

7 (13) Any remand, custody decision, bail modification, continued supervision
 8 order, or decision to release the monitored individual pursuant to this Subsection
 9 shall be based on public safety, victim safety, appearance of the monitored individual
 10 in court, surety status, or the loss of court-approved supervision, and not solely on
 11 the basis of nonpayment. The court shall state for the record the reasons for any
 12 ruling made pursuant to this Subsection.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____