

ACT No. 788

2026 Regular Session

HOUSE BILL NO. 211

BY REPRESENTATIVE VILLIO

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(6) and to enact Chapter 33-D of Title 13 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5381 through 5386,
4 R.S. 14:107.6, and Part IV of Chapter 3 of Title 40 of the Louisiana Revised Statutes
5 of 1950, to be comprised of R.S. 40:581.1 through 582, relative to the Homelessness
6 Court program; to provide for the creation of the program; to provide for a statement
7 of legislative intent; to provide for the goals of the program; to provide for
8 definitions; to provide for the Homelessness Court probation program; to create the
9 crime of unauthorized camping on public property; to provide for penalties; to
10 prohibit public camping and temporary outdoor habitation; to provide for exceptions;
11 to provide for notification requirements; to provide for minimum standards and
12 procedures; to provide for enforcement; to provide for housing; to establish
13 regulations that promote sanitary conditions; to provide for duties of the Louisiana
14 Department of Health and office of the state fire marshal; to provide for limitation
15 of liability; to provide for effective dates; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. Chapter 33-D of Title 13 of the Louisiana Revised Statutes of 1950,
18 comprised of R.S. 13:5381 through 5386, is hereby enacted to read as follows:

19 CHAPTER 33-D. HOMELESSNESS COURT PROGRAM

20 §5381. Short title

21 This Chapter shall be known and may be cited as the "Homelessness Court
22 Program Act".

23 §5382. Purpose

24 The Legislature of Louisiana recognizes that there is a critical need for
25 criminal justice system programs to assist those persons who are experiencing
26 homelessness in order to reduce the incidence of substance abuse disorders, untreated

1 mental health issues, destruction and disruption of use of public property, significant
2 public health and safety issues, and crimes committed by those experiencing
3 homelessness. There is also a need for programs to assist those experiencing
4 homelessness with mental health issues, including mental health diagnoses and
5 undiagnosed mental illnesses. Moreover, many experiencing homelessness suffer
6 from co-occurring disorders of substance abuse and mental illness. These problems
7 can cause those experiencing homelessness to have involvement with the criminal
8 justice system. Therefore, it is the intent of the Legislature of Louisiana to create
9 specialized court programs in the various districts of this state called "Homelessness
10 Court programs" to assist those experiencing homelessness in overcoming these
11 issues, as they impact themselves, the criminal justice system, and society at large.
12 The goals of these programs are to reduce recidivism among those experiencing
13 homelessness and to provide them with the assistance that they need to become
14 productive members of society.

15 §5383. Goals

16 The goals of the Homelessness Court program created pursuant to this
17 Chapter include all of the following:

18 (1) To reduce drug abuse and alcoholism and dependency among persons
19 experiencing homelessness.

20 (2) To reduce the alcohol and drug-related workload of the courts.

21 (3) To reduce criminal recidivism.

22 (4) To diagnose undiagnosed mental health problems and to assist in the care
23 and treatment of diagnosed mental health illnesses.

24 (5) To increase the personal, familial, and societal accountability of persons
25 experiencing homelessness.

26 (6) To reduce prison overcrowding.

27 (7) To provide employment and job training for those experiencing
28 homelessness.

1 (8) To provide housing assistance for those experiencing homelessness in
 2 partnership with state, local, and federal housing authorities and nonprofit
 3 organizations.

4 (9) To provide counseling services as necessary.

5 §5384. Definitions

6 For the purposes of this Chapter, the following terms have the following
 7 meanings:

8 (1) "Homelessness Court program" means a program with all of the
 9 following essential characteristics:

10 (a) The integration of health care, education, and housing assistance as well
 11 as employment, job training, disability compensation counseling, and other
 12 rehabilitative services in the processing of cases in the criminal justice system.

13 (b) Early identification and prompt placement of eligible participants in the
 14 program for the purpose of making them program participants.

15 (c) The use of a nonadversarial approach involving prosecutors and defense
 16 attorneys to promote public safety and protect the due process rights of program
 17 participants.

18 (d) Access to continuum of alcohol, controlled substance, mental health,
 19 suicide assessment, intervention, treatment and management, and other related
 20 treatment and rehabilitative services.

21 (e) Careful monitoring of treatment and services provided to program
 22 participants.

23 (f) A coordinated strategy to govern program responses to compliance of
 24 participants.

25 (g) Ongoing judicial interaction with program participants.

26 (h) Monitoring and evaluation of program goals and effectiveness.

27 (i) Continuing interdisciplinary education to promote effective program
 28 planning, implementation, and operations.

29 (j) Development of partnerships with public agencies and community
 30 organizations, including but not limited to Louisiana Works, the United States

1 Department of Housing and Urban Development, and any other local, state, or
2 federal agency or organization that can provide assistance to participants.

3 (2) "Participant" means a person currently experiencing homelessness who
4 is subject to the jurisdiction of the Homelessness Court program. Participant may
5 also refer to a person, defendant, probationer, or offender in relation to the program.
6 §5385. The Homelessness Court program; administration; eligibility; stipulations

7 A. Each district court by rule may designate as a Homelessness Court
8 program one or more divisions of the district court to which participants are assigned
9 and may establish a probation program to be administered by the presiding judge or
10 judges thereof or by an employee designated by the court.

11 B. Participation in probation programs shall be subject to all of the following
12 provisions:

13 (1) The district attorney may propose to the court that a defendant be
14 screened for eligibility as a participant in the Homelessness Court program if all of
15 the following criteria are satisfied:

16 (a) The individual is arrested or issued a written summons for a
17 misdemeanor or felony violation of state law and is determined to be a person
18 experiencing homelessness.

19 (b) The district attorney has reason to believe that the defendant who is
20 charged may benefit by participating in the Homelessness Court program.

21 (c) The district attorney has reason to believe that it is in the best interest of
22 the community and in the interest of justice to provide the defendant with treatment
23 as opposed to incarceration or other sanctions.

24 (2) Upon receipt of the proposal provided in Paragraph (1) of this
25 Subsection, the court shall advise the defendant that he may be eligible for
26 enrollment in a court-authorized treatment program through the Homelessness Court
27 program.

28 (3)(a) If the defendant requests to undergo treatment and is accepted into the
29 Homelessness Court program, the defendant shall be placed under the supervision
30 of the Homelessness Court program for a period of not less than twelve months.

1 **(b) During the treatment, the defendant may be confined in a treatment**
2 **facility or, at the discretion of the court, the defendant may be released on a**
3 **probationary basis for treatment or supervised aftercare in the community.**

4 **(c) The court may impose any conditions reasonably related to the complete**
5 **rehabilitation of the defendant.**

6 **(d) The defendant shall be required to participate in any court-ordered**
7 **alcohol and drug testing program at his own expense, unless the court determines**
8 **that he is indigent.**

9 **(e) If the defendant completes the Homelessness Court program and has**
10 **successfully completed all other requirements of his court-ordered probation, the**
11 **conviction may be set aside and the prosecution dismissed in accordance with Code**
12 **of Criminal Procedure Articles 893 and 894. A defendant's successful completion**
13 **of the Homelessness Court program and the other requirements of probation may**
14 **result in his discharge from supervision. If the defendant does not successfully**
15 **complete the Homelessness Court program, the judge may do any of the following:**

16 **(i) Revoke the probation and impose sentence.**

17 **(ii) Revoke the probation and order the defendant to serve the sentence**
18 **previously imposed and suspended.**

19 **(iii) Revoke the probation and order the defendant to be committed to the**
20 **custody of the Department of Public Safety and Corrections with a requirement that**
21 **the defendant serve a sentence of not more than six months without diminution of**
22 **sentence in the intensive incarceration program pursuant to R.S. 15:574.4.4 and**
23 **574.5, with return to the regular Homelessness Court docket upon completion of**
24 **sentence.**

25 **(iv) Impose any sanction provided by Code of Criminal Procedure Article**
26 **900 or extend probation and order that the defendant continue treatment for an**
27 **additional period, or both.**

28 **(4) The defendant has the right to be represented by counsel at all stages of**
29 **a criminal prosecution and in any court hearing relating to the Homelessness Court**
30 **program. The defendant shall be represented by counsel during the negotiations to**

1 determine eligibility to participate in the Homelessness Court program and shall be
2 represented by counsel at the time of the execution of the probation agreement and
3 at any hearing pertaining to the revocation of the defendant's probation and discharge
4 from the program, unless the court finds and the record shows that the defendant has
5 knowingly and intelligently waived his right to counsel.

6 (5) If the defendant elects to undergo treatment and participate in the
7 Homelessness Court program, the court shall order an examination of the defendant
8 by one of the court's designated licensed treatment programs. Treatment programs
9 shall possess sufficient experience in working with criminal justice participants with
10 alcohol or drug addictions, mental health problems, or all of these matters, and shall
11 be certified and approved by this state. The designated treatment program shall
12 utilize standardized testing and evaluation procedures to determine whether or not
13 the defendant is an appropriate candidate for a treatment program and shall report
14 such findings to the court and the district attorney.

15 (6) The treatment program examiner or district attorney may request that the
16 defendant provide all of the following information to the court:

17 (a) Information regarding prior criminal charges.

18 (b) Education, work experience, and training.

19 (c) Family history, including residence in the community.

20 (d) Medical and mental history, including any psychiatric or psychological
21 treatment or counseling.

22 (e) Any other information reasonably related to the success of the treatment
23 program.

24 (7) The designated program shall recommend to the court a preliminary
25 length of stay and level of care for the defendant.

26 (8) In addition to the report submitted by the examiner, the judge and district
27 attorney shall consider the following factors in determining whether the
28 Homelessness Court program would be in the interest of justice and of benefit to the
29 defendant and the community:

1 (a) The nature of the crime charged and the circumstances surrounding the
2 crime.

3 (b) Any special characteristics or circumstances of the defendant.

4 (c) Whether the defendant is a first-time offender and the degree of success
5 attained if the defendant has previously participated in this program or a similar
6 program.

7 (d) Whether there is a probability that the defendant will cooperate with and
8 benefit from probation and treatment through the Homelessness Court program.

9 (e) Whether the available Homelessness Court program is appropriate to
10 meet the needs of the defendant.

11 (f) The impact of the defendant's probation and treatment upon the
12 community.

13 (g) Recommendations of the involved law enforcement agency, if any.

14 (h) Recommendations of the victim, if any.

15 (i) Provisions for and the likelihood of obtaining restitution from the
16 defendant over the course of his probation.

17 (j) Any mitigating circumstances.

18 (k) Any other circumstances reasonably related to the defendant's case.

19 (9) In order to be eligible for the Homelessness Court program, the defendant
20 shall satisfy each of the following criteria:

21 (a) The defendant shall not have a prior felony conviction for any of the
22 following:

23 (i) Homicide as defined in R.S. 14:29.

24 (ii) A sex offense as defined in R.S. 15:541.

25 (iii) A crime of violence as defined in R.S. 14:2(B).

26 (b) The crime before the court is not a charge of driving while impaired by
27 alcohol or any other drug or drugs that resulted in the death of a person.

28 (10)(a) The judge shall make the final determination of eligibility. If, based
29 on the examiner's report and the recommendations of the district attorney and the
30 defense counsel, the judge determines that the defendant should be enrolled in the

1 Homelessness Court program, the court shall accept the defendant's guilty plea,
2 suspend or defer the imposition of sentence, and place the defendant on probation
3 under the terms and conditions of the Homelessness Court program. The court may
4 also impose and suspend the execution of sentence and place the defendant on
5 probation under the terms and conditions of the Homelessness Court program.

6 (b) If the judge determines that the defendant is not qualified for enrollment,
7 the judge may state for the record the reasons for that determination.

8 (c) A Homelessness Court program team or staff may petition the court to
9 reject a referral to the Homelessness Court program if the Homelessness Court
10 program team or staff deems the defendant to be inappropriate for admission to the
11 Homelessness Court program. Additionally, a Homelessness Court program team
12 or staff may petition the court for immediate discharge of any individual who fails
13 to comply with Homelessness Court program rules and treatment expectations or
14 who refuses to constructively engage in the treatment process.

15 C.(1) In offering a defendant the opportunity to request treatment, the court
16 shall advise the defendant of the following at the time of the guilty plea:

17 (a) If the defendant is accepted into the Homelessness Court program, then
18 the defendant shall waive the right to a trial. The defendant shall enter a plea of
19 guilty to the charge with the stipulation that his sentencing be deferred or that
20 sentence be imposed, but suspended, and the defendant placed on supervised
21 probation under the usual conditions of probation and under certain special
22 conditions of probation related to the completion of such treatment programs as are
23 ordered by the court. During participation in the program, the defendant shall be
24 subject to nonadversarially determined sanctions. All adversarial hearings shall
25 occur during probation violation hearings.

26 (b) The terms of each probation agreement shall be decided by the judge.
27 The defendant shall agree to enter the program and sign a probation agreement
28 stating the terms and conditions of his program. The defendant shall plead guilty to
29 the charge in order to be eligible for the Homelessness Court program.

1 (2) Any probation agreement entered into pursuant to this Section shall
2 include all of the following:

3 (a) The terms of the agreement, which shall provide for either of the
4 following:

5 (i) If the defendant fulfills the obligations of the agreement, as determined
6 by the court, then the criminal charges may be dismissed and the prosecution set
7 aside in accordance with Code of Criminal Procedure Articles 893 and 894.

8 (ii) If the defendant has been sentenced following the plea of guilty, then the
9 successful completion of the Homelessness Court program may result in the
10 discharge of the defendant from continued supervision.

11 (b) A waiver by the defendant of the right to trial by jury under the
12 Constitution of Louisiana, the Constitution of the United States, and applicable laws.

13 (c) The defendant's full name.

14 (d) The defendant's full name at the time the complaint was filed, if different
15 from the defendant's current name.

16 (e) The defendant's sex and date of birth.

17 (f) The crime before the court.

18 (g) The date the complaint was filed.

19 (h) The court in which the agreement was filed.

20 (i) A stipulation of the facts upon which the charge was based, as agreed to
21 by the defendant and the district attorney.

22 (j) A provision that the defendant may be required to pay a probation
23 supervision fee if ordered by the court.

24 (k) A provision, in cases where applicable, that the defendant may be
25 required to pay restitution to the victim.

26 (l) A provision that the defendant, if ordered by the court, shall participate
27 in appropriate job training or schooling or seek gainful employment once the
28 defendant is receiving treatment as an outpatient or living in a halfway house.

29 (m) A copy of the plea agreement.

1 (3) To the extent of his financial resources, a defendant who is placed under
2 the supervision of the Homelessness Court program may be required to pay a portion
3 of or the entire cost of the treatment program to which he is assigned and the cost of
4 any additional supervision that may be required, as determined by the Homelessness
5 Court program.

6 (4) If the defendant does not have the financial resources to pay all the
7 related costs of the probation program, any of the following may occur:

8 (a) The court, to the extent practicable, shall arrange for the defendant to be
9 assigned to a treatment program funded by the state or federal government.

10 (b) The court, with the recommendation of the treatment program, may order
11 the defendant to perform supervised work for the benefit of the community in lieu
12 of paying all or a part of the costs relating to his treatment and supervision. The
13 work shall be performed for and under the supervising authority of a parish,
14 municipality, or other political subdivision or agency of this state or a charitable
15 organization that renders service to the community or its residents.

16 (c) Any and all fees may be waived at the discretion of the court.

17 D.(1) When appropriate, the imposition or execution of sentence shall be
18 postponed while the defendant is enrolled in the treatment program. The defendant
19 shall remain on probation as long as he follows the conditions of his agreement.

20 (2) The district attorney, at the conclusion of the period of probation and on
21 advice of the person providing the defendant's treatment and the probation officer,
22 may recommend that the court take one of the following courses of action:

23 (a)(i) Revoke the defendant's probation and sentence the defendant because
24 he has not successfully completed the treatment and has violated one or more
25 conditions of probation.

26 (ii) If the defendant has already been sentenced, revoke the probation and
27 remand the defendant to the appropriate custodian for service of that sentence.

28 (b) Extend the period of probation so that the defendant may continue the
29 program.

1 (c) Set aside the defendant's conviction and dismiss the prosecution because
2 the defendant has successfully completed all the conditions of his probation and
3 treatment agreement.

4 (3) The district attorney shall make the final determination on whether to
5 request revocation, extension, or dismissal.

6 (4)(a) The treatment supervisor, probation officer, or the district attorney
7 may file a motion with the court to request a hearing to determine if the defendant
8 may remain in the program or whether the probation may be revoked and the
9 defendant be removed from the program and sentenced or ordered to serve any
10 sentence previously imposed if either of the following occur:

11 (i) The defendant enrolled in a program violates any condition of his
12 probation or his treatment agreement.

13 (ii) The defendant appears to be performing unsatisfactorily in the assigned
14 program.

15 (b) The defendant may be removed from the program or his treatment
16 agreement may be changed to meet the defendant's specific needs if, at the hearing,
17 the moving party shows sufficient proof that the defendant has violated his probation
18 or his treatment agreement and has not shown a willingness to submit to
19 rehabilitation.

20 (c) If the court finds that the defendant has violated a condition of his
21 probation or a provision of his probation agreement and that the defendant should be
22 removed from the probation program, the court may do either of the following:

23 (i) Revoke the probation and sentence of the defendant in accordance with
24 his guilty plea.

25 (ii) If the defendant has been sentenced and the sentence suspended, order
26 the defendant to begin serving the sentence.

27 (d) A defendant who has been admitted to the probation program, fails to
28 complete the program, and is then sentenced to jail time for the offense shall receive
29 credit for the time served in any correctional facility in connection with the charge
30 before the court.

1 (e) The defendant, his probation officer, the district attorney, or his treatment
2 provider may petition the court at any time and for any appropriate reason to
3 reconsider, suspend, or modify its order for rehabilitation or treatment concerning
4 that defendant.

5 (f) The burden of proof at all such hearings shall be the burden of proof
6 required to revoke probation as provided by law.

7 E. The appropriate treatment program shall report the following changes or
8 conditions to the district attorney at any periodic reporting period specified by the
9 court:

10 (1) The defendant is changed from an inpatient to an outpatient.

11 (2) The defendant is transferred to another treatment center or program.

12 (3) The defendant fails to comply with program rules and treatment
13 expectations.

14 (4) The defendant refuses to engage constructively in the treatment process.

15 (5) The defendant terminates his participation in the treatment program.

16 (6) The defendant is rehabilitated or has obtained the maximum benefits of
17 rehabilitation or treatment.

18 F. The judge, after receiving the recommendation from the district attorney
19 upon the defendant's successful completion of the Homelessness Court program and
20 its terms and conditions, may vacate the judgment of conviction and dismiss the
21 criminal proceedings against the defendant or may discharge the defendant from
22 probation in accordance with Code of Criminal Procedure Articles 893 or 894.

23 G. Discharge and dismissal pursuant to this Chapter, as provided in Code of
24 Criminal Procedure Articles 893 and 894, shall have the same effect as an acquittal,
25 except that the conviction may be considered in order to provide the basis for
26 subsequent prosecution of the party as a multiple offender and shall be considered
27 as an offense for the purposes of any other law or laws relating to cumulation of
28 offenses. Dismissal pursuant to this Chapter shall occur only once with respect to
29 any defendant. Nothing in this Chapter shall be construed as a basis for the
30 destruction of records of the arrest and prosecution of the defendant.

1 H. Nothing contained in this Chapter confers a right or an expectation of a
2 right to treatment for a defendant or offender within the criminal justice system.

3 I. Each defendant shall contribute to the cost of any treatment received in the
4 Homelessness Court program based upon guidelines developed by the Homelessness
5 Court program. Any and all fees may be waived at the discretion of the court.

6 J. Each judicial district that establishes a Homelessness Court probation
7 program shall adopt written policies and guidelines for the implementation of a
8 probation program in accordance with this Chapter. The policies and guidelines
9 shall include provisions concerning all of the following:

10 (1) How to examine the defendant initially to determine if he is qualified for
11 enrollment.

12 (2) How to advise the defendant of the program if the court has reason to
13 believe the defendant may suffer from alcohol or drug addiction or mental health
14 problems or illnesses.

15 (3) What licensed treatment programs are certified by the court.

16 K. Each Homelessness Court program shall develop a method of evaluation
17 so that its effectiveness can be measured. These evaluations shall be compiled
18 annually and transmitted to the judicial administrator of the Louisiana Supreme
19 Court.

20 L.(1) Except as otherwise provided by law, the registration and other records
21 of a treatment facility are confidential and shall not be disclosed to any person not
22 connected with the treatment facility or the Homelessness Court program and district
23 attorney without the consent of the patient.

24 (2) The provisions of Paragraph (1) of this Subsection do not restrict the use
25 of patients' records for the purpose of research into the cause and treatment of
26 alcoholism and drug addiction and mental health illnesses, provided that such
27 information shall not be published in a way that discloses the patient's name and
28 identifying information.

29 M. No statement or any information procured with respect to the specific
30 offenses of which the defendant is charged, which is provided to any probation

1 officer or program treatment worker subsequent to the granting of probation, shall
2 be admissible in any civil or criminal action or proceeding, except a Homelessness
3 Court program probation revocation proceeding.

4 N. A record of the fact that a defendant has participated in a Homelessness
5 Court program shall be sent to the office of the attorney general and shall be made
6 available upon request to any district attorney for the purpose of determining
7 previous participation in a Homelessness Court program.

8 §5386. Dismissal of certain criminal charges upon completion of Homelessness
9 Court probation program

10 A. Notwithstanding any other provision of law to the contrary and when it
11 appears that the best interests of the public and of the defendant will be served, the
12 court may, with the prior approval of the district attorney, defer proceedings and
13 place any defendant eligible for participation in a Homelessness Court program on
14 probation with reasonable terms and conditions as may be required by the court and
15 in accordance with the provisions of this Chapter.

16 B. Upon the defendant's violation of any of the terms or conditions of his
17 probation, the court may revoke his probation, enter an adjudication of guilt, and
18 impose sentence upon the defendant. The entering of the adjudication of guilt shall
19 be retroactive to the date the defendant pled guilty or was convicted pursuant to
20 Subsection A of this Section, but the imposition or execution of sentence shall not
21 be retroactive.

22 C. The court shall discharge the defendant and dismiss the proceedings
23 against him upon fulfillment of the terms and conditions of probation imposed in
24 accordance with this Section.

25 D. The discharge and dismissal of charges pursuant to this Section shall be
26 without court adjudication of guilt and shall not be deemed a conviction for purposes
27 of disqualifications or disabilities imposed by law upon conviction of a crime,
28 including the additional penalties imposed for second or subsequent convictions
29 pursuant to R.S. 40:982. The discharge and dismissal of charges pursuant to this
30 Section may occur only once with respect to any defendant.

1 E. The good-faith enforcement, investigation, citation, or prosecution of an
 2 alleged violation of this Section by a political subdivision or its officers or employees
 3 is a policymaking or discretionary act within the meaning of R.S. 9:2798.1, and the
 4 immunity provided by that Section shall apply.

5 Section 2. R.S. 14:107.6 is hereby enacted to read as follows:

6 §107.6. Unauthorized camping on public property

7 A. Unauthorized camping on public property is the intentional use of any
 8 tent, shelter, or bedding constructed or arranged for the purpose of or in such a way
 9 to permit overnight use on public property that is not a designated campground.

10 B. For the purposes of this Section, the following terms have the following
 11 meanings:

12 (1) "Designated campgrounds" mean any area or portion of an area of public
 13 property that has been designed, designated, or approved by a public entity for the
 14 allowable purpose of overnight use, such as camping.

15 (2) "Public property" means any property owned or controlled by the state
 16 or any local or political subdivision of this state.

17 C. Whoever violates the provisions of this Section shall be fined not more
 18 than five hundred dollars, imprisoned for not more than six months, or both.

19 D. An offender who violates the provisions of this Section may be eligible
 20 for the Homelessness Court program, if such a program is available in the
 21 jurisdiction and the offender meets all of the requirements set forth in Chapter 33-D
 22 of Title 13 of the Louisiana Revised Statutes of 1950 for participation in the
 23 program.

24 E. An offender who violates the provisions of this Section may be eligible for
 25 participation in a Veterans Court program, if such a program is available in the
 26 jurisdiction and the offender meets all of the requirements set forth in Chapter 33-B
 27 of Title 13 of the Louisiana Revised Statutes of 1950 for participation in the program.

28 Section 3. Part IV of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950,
 29 comprised of R.S. 40:581.1 through 582, is hereby enacted to read as follows:

1 PART IV. HOMELESSNESS2 §581.1. Public camping; policy; definitions

3 A. To protect the health, safety, and welfare of the people of this state, the
4 purpose of this Part is to prohibit camping in public areas and rights-of-way not
5 specifically designated for that purpose.

6 B. As used in this Part, the following terms have the following meanings:

7 (1) "Department" means the Louisiana Department of Health.

8 (2)(a) "Public camping" means either of the following:

9 (i) Lodging or residing overnight in a temporary outdoor habitation used as
10 a dwelling or living space and evidenced by the erection of a tent, the presence of
11 bedding or pillows, or the storage of personal belongings for the purpose of
12 habitation.

13 (ii) Lodging or residing overnight in an outdoor space without a tent or other
14 temporary shelter.

15 (b) "Public camping" does not mean any of the following:

16 (i) Lodging or residing overnight in a motor vehicle that is registered,
17 insured, and located in a place where it is lawful to do so.

18 (ii) Camping for recreational purposes on property designated for such
19 purposes during the hours permitted by the recreational area.

20 (iii) Any camping, lodging, or other recreational activity in a state park
21 during the hours permitted by the state park.

22 §581.2. Prohibition of public camping; exceptions

23 A. Except as provided in Subsection B of this Section, no political
24 subdivision shall authorize or otherwise allow any person to regularly engage in
25 public camping on a public property, including but not limited to a public building
26 or its grounds or a public right-of-way under the jurisdiction of the political
27 subdivision.

28 B.(1) A political subdivision may, by majority vote of the political
29 subdivision's governing body, designate property owned by the political subdivision
30 or a municipality within the boundaries of the political subdivision to be used for a

1 period of one year and which may be redesignated annually for the purposes of
 2 public camping subject to all of the following conditions:

3 (a) There are not sufficient open beds in homeless shelters in the political
 4 subdivision for the homeless population of the political subdivision.

5 (b) The designated property is not contiguous with property designated for
 6 residential use by the political subdivision in the local government comprehensive
 7 plan and future land use map.

8 (c) The designated property would not adversely and materially affect the
 9 property value or safety and security of other existing residential or commercial
 10 property in the political subdivision and would not negatively affect the safety of
 11 children.

12 (2) The political subdivision shall notify the department within ten days of
 13 designating property for public camping in accordance with procedures established
 14 by the department.

15 C.(1) If a political subdivision designates property of the political
 16 subdivision or municipality to be used for public camping, it shall establish and
 17 maintain minimum standards and procedures related to the designated property for
 18 all of the following purposes:

19 (a) Ensuring the safety and security of the designated property and the
 20 persons lodging or residing on the property.

21 (b) Maintaining sanitation, including but not limited to providing access to
 22 clean and operable restrooms and running water.

23 (c) Coordinating with federal, state, local, and private entities to provide
 24 access to behavioral health services, which shall include substance abuse and mental
 25 health treatment resources.

26 (d) Prohibiting illegal substance use on the designated property and
 27 enforcing such prohibition.

28 (2) Within thirty days after designating property for public camping, the
 29 political subdivision shall publish the minimum standards and procedures on the
 30 website of the political subdivision. The political subdivision and municipality shall

1 continue to make policies and procedures publicly available for as long as any
2 political subdivision property remains designated for public camping.

3 D. The department may inspect a designated property at any time and the
4 secretary may provide notice to the political subdivision with a recommendation that
5 the designated property be closed if he determines that the requirements of this
6 Section are no longer satisfied or if the surgeon general determines that there is a
7 public health threat or emergency. A political subdivision shall publish any notice
8 issued by the department on the website of the political subdivision within five
9 business days after receipt of the notice.

10 §581.3. Limitation of liability; public camping

11 A. Definitions. As used in this Section, the following terms have the
12 following meanings:

13 (1) "Covered entity" means any political subdivision, municipality, parish,
14 governing authority, special district, or other unit of local government, and the
15 officials, officers, employees, agents, contractors, and volunteers thereof acting
16 within the course and scope of their duties.

17 (2) "Designated property" means property designated for public camping
18 pursuant to R.S. 40:581.2, and any appurtenant access or service area.

19 (3) "Service provider" means any nonprofit, religious, faith-based, charitable,
20 mutual-aid, harm-reduction, healthcare, or educational organization that provides
21 covered services.

22 (4) "Volunteer" means any individual who, without compensation, provides
23 covered services, whether independently or on behalf of a service provider.

24 (5) "Covered services" means the provision, without compensation from the
25 recipient, of food, water, clothing, hygiene supplies, sanitation, transportation, basic
26 medical or first-aid services, mental health or substance use counseling or referral,
27 harm-reduction supplies and education to the extent permitted by law, legal aid,
28 employment or housing navigation, religious or pastoral counseling, and childcare
29 services to persons experiencing homelessness on or in connection with a designated
30 property.

1 B. Discretionary act immunity. The exercise or non exercise of any duty,
2 power, or function of a covered entity under this Part or under R.S. 14:107.6,
3 including the decision to designate, refuse to designate, close, or non renew a
4 designation; the adoption and enforcement of minimum standards under R.S.
5 40:581.2(C); the removal or relocation of persons or property; the provision of or
6 referral to services; and the response to a notice from the Louisiana Department of
7 Health, is a policymaking or discretionary act within the meaning of R.S. 9:2798.1,
8 and the immunity provided by that Section shall apply.

9 C. Premises immunity. A covered entity that designates, owns, leases,
10 manages, controls, or supervises a designated property shall be deemed an owner of
11 land used for purposes equivalent to recreational purposes within the meaning of
12 R.S. 9:2795, and the limitation of liability provided by R.S. 9:2795(B) and (E) shall
13 apply to the designated property. The immunity extended by this Subsection
14 includes, without limitation, claims for personal injury, illness, death, or property
15 damage arising from fire, explosion, smoke inhalation, drug or alcohol overdose,
16 communicable disease, exposure to weather, defects in the land or facilities, or the
17 acts or omissions of any other camper, guest, vendor, service provider, volunteer, or
18 third person on the designated property.

19 D. Service provider and volunteer immunity. A service provider, and any
20 volunteer, who in good faith and without compensation provides covered services
21 shall be deemed to be rendering service within the meaning of R.S. 9:2793, and the
22 immunity provided by that Section shall apply, except that the immunity extended
23 by this Subsection is not limited to emergency settings. This Subsection is in
24 addition to, and does not limit, any greater protection available under R.S. 9:2793.1,
25 2799, or 2799.1, the federal Volunteer Protection Act of 1997 (42 U.S.C. 14501 et
26 seq.), or the federal Bill Emerson Good Samaritan Food Donation Act (42 U.S.C.
27 1791).

28 E. Property removal and storage. Personal property of a person experiencing
29 homelessness that is removed from public property in connection with enforcement
30 of this Part or R.S. 14:107.6 shall be stored for not less than thirty days and returned

1 to the owner upon request, in accordance with procedures adopted by the covered
2 entity. A covered entity is not liable for property unclaimed after the storage period,
3 or for property that is contaminated or perishable or constitutes a public health or
4 safety hazard, when disposal is consistent with adopted procedures.

5 F. Federal and constitutional claims. Nothing in this Section limits any claim
6 arising under the Constitution of Louisiana, the Constitution of the United States, or
7 42 U.S.C. 1983.

8 G. Cumulative effect. The provisions of this Section are in addition to, and
9 not in derogation of, the immunities cross-referenced herein and any other applicable
10 immunity, indemnity, or limitation of liability under law.

11 §582. Housing and services for individuals experiencing homelessness

12 A. The department, in consultation with the office of state fire marshal, may
13 promulgate rules to establish minimum housing standards for emergency shelters,
14 community facilities, licensed group homes, and halfway houses, and shall consider
15 critical aspects such as safety, sanitation, privacy, and habitability.

16 B. The office of state fire marshal shall assist in the implementation of the
17 provisions of this Section by conducting inspections of emergency shelters,
18 community facilities, licensed group homes, and halfway houses to verify that the
19 housing options available to individuals experiencing homelessness are safe and
20 sanitary.

21 C. The department may do both of the following:

22 (1) Promulgate rules in accordance with the Administrative Procedure Act
23 to implement the provisions of this Section.

24 (2) Submit waivers from the Centers for Medicare and Medicaid Services to
25 obtain funding to provide healthcare and housing services to individuals who are
26 experiencing homelessness and suffering from illnesses.

27 Section 4. R.S. 44:4.1(B)(6) is hereby amended and reenacted to read as follows:

28 §4.1. Exceptions

29 * * *

