

2016 Regular Session

SENATE BILL NO. 403

BY SENATOR MORRISH

CRIMINAL JUSTICE. Provides relative to facilities providing housing to individuals referred by judicial agencies. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 40:2852(D) and to repeal R.S. 40:2852(E), relative to facilities
3 providing housing or temporary residence for individuals arrested for commission
4 of a crime; to remove accreditation requirement; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2852(D) is hereby amended and reenacted to read as follows:

7 §2852. Facilities providing housing or temporary residence to individuals referred
8 by judicial agencies

9 * * *

10 ~~D. All facilities shall be accredited by the American Correctional Association~~
11 ~~within twenty-four months of opening as a judicial agency referral residential facility~~
12 ~~and shall maintain accreditation by the American Correctional Association at all~~
13 ~~times thereafter.~~

14 ~~E.~~ For the purposes of this Chapter, "judicial agency" means the district court
15 and officers thereof, including the district judge, the prosecutor and district attorneys.
16 However, no sheriff or sheriff's department of any parish in this state shall be
17 deemed to be a judicial agency pursuant to this Chapter. Judicial agency referral

1 residential facilities shall not participate in sheriffs' work release programs nor shall
 2 they receive funding from the state. **The owner of a facility providing housing or**
 3 **temporary residence to individuals referred by judicial agencies shall not**
 4 **employ any person referred by a judicial agency to any temporary housing or**
 5 **residence facility, including his own.**

6 Section 2. R.S. 40:2852(E) is hereby repealed in its entirety.

The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

SB 403 Reengrossed

2016 Regular Session

Morrish

Present law requires that any pretrial diversion facility not required to be licensed by the Department of Health and Hospitals or the Department of Children and Family Services be regulated by rules adopted by the Department of Public Safety and Corrections (DPSC) governing the construction, standards of operation, and services provided by the facility. Proposed law retains these provisions.

Present law prohibits a facility from providing housing or temporary residence and prohibits a judicial agency from referring anyone to a facility until DPSC has adopted rules and inspected the facility to certify compliance with the rules. Proposed law retains the prohibitions.

Proposed law removes the requirement that all the facilities be accredited by the American Correctional Association within 24 months of opening and that they maintain accreditation at all times.

Present law defines judicial agency as the district court and officers thereof, including the district judge, the prosecutor, and district attorneys and prohibits a sheriff or sheriff's department from being deemed a judicial agency. Prohibits a judicial agency referral residential facility from participating in a sheriff's work release program or from receiving state funding. Proposed law retains these provisions.

Present law excludes the sheriff or sheriff's department of any parish from the definition of judicial agency, prohibits judicial agency referral residential facilities from participating in sheriffs' work release programs, and prohibits judicial agency referral residential facilities from receiving state funds. Proposed law retains these provisions.

Proposed law prohibits the owner of a facility providing temporary housing or temporary residence to individuals referred by judicial agencies from employing any person referred by a judicial agency to the temporary housing or residence facility, including his own.

Effective August 1, 2016.

(Amends R.S. 40:2852(D); repeals R.S. 40:2852(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds provision prohibiting the owner of a referral facility from employing individuals referred by a judicial agency.

Senate Floor Amendments to engrossed bill

1. Technical legislative bureau amendments.