

2025 Regular Session

SENATE BILL NO. 95

BY SENATOR CLOUD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL PROCEDURE. Provides for electronic monitoring. (8/1/25)

AN ACT

To amend and reenact the introductory paragraph of R.S. 15:571.36(C)(4) and (D) and to enact R.S. 15:571.37, relative to electronic monitoring of certain criminal defendants; to provide relative to notifications of noncompliance; to provide relative to penalties; to provide for program costs and maintenance; to provide for termination of electronic monitoring; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 15:571.36(C)(4) and (D) are hereby amended and reenacted and R.S. 15:571.37 is hereby enacted to read as follows:

§571.36. Electronic monitoring equipment

\* \* \*

C.(1) When an individual has been placed under electronic monitoring, the provider of the electronic monitoring services shall, by noon of the following day, provide law enforcement agencies within the appropriate jurisdiction all of the following information:

\* \* \*

(4) When a violation of the defendant's monitoring conditions has occurred,

1 the provider of electronic monitoring services shall report the violation to the bail  
2 agent on record, the district attorney for the parish of prosecution or the  
3 attorney general, if acting as district attorney ad hoc, and the court exercising  
4 jurisdiction over the defendant within one day of the provider's receipt of notice that  
5 any of the following involving the electronic monitoring equipment has occurred:

6 \* \* \*

7 D. Any provider of an electronic monitoring service who intentionally  
8 withholds or intentionally fails to timely report information as required by this  
9 Section shall be ~~subject to a fine of~~ fined not more than one thousand dollars per  
10 each day of a violation, or imprisoned for not more than six months, and shall be  
11 prohibited from registering to provide electronic monitoring services in this state for  
12 a period of five years.

13 \* \* \*

14 **§571.37. Electronic monitoring programs**

15 **A. The court shall impose any condition necessary to further the**  
16 **rehabilitation of a person released subject to electronic monitoring, including**  
17 **maintaining employment. In the case of a juvenile, the conditions may include**  
18 **staying in school, participating in after-school activities, or being subject to a**  
19 **curfew.**

20 **B. The cost for participating in an electronic monitoring program shall**  
21 **be borne by the person being monitored.**

22 **C. As a condition of electronic monitoring, and notwithstanding any**  
23 **other provision of law, a person subject to electronic monitoring, including a**  
24 **juvenile, shall:**

25 **(1) Maintain the monitoring equipment in normal working order**  
26 **including, but not limited to keeping the monitoring equipment charged.**

27 **(2) Consent to a period of detention by the electronic monitoring**  
28 **provider, without prior notice or court order, not to exceed six hours for the**  
29 **purpose of charging, recharging, or repairing the monitoring equipment if the**

1 signal is interrupted.

2 D. Electronic monitoring providers operating in this state shall actively  
3 monitor any person subject to electronic monitoring for compliance and report  
4 any violation in accordance with R.S. 15:571.36. Daily compliance reports shall  
5 be provided to the district attorney regarding the person being monitored.

6 E.(1) Upon receipt of a report of noncompliance, the court may, either  
7 on its own motion or that of the district attorney, issue a warrant for the arrest  
8 of a person subject to electronic monitoring.

9 (2) A person arrested pursuant to a warrant issued pursuant to  
10 Paragraph (1) of this Subsection shall be held in custody until a hearing is  
11 conducted to determine if the person can and will comply with all electronic  
12 monitoring restrictions.

13 (3) The court shall terminate a person's participation in an electronic  
14 monitoring program, and remand him to state custody, after his third  
15 noncompliance hearing.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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SB 95 Original	DIGEST 2025 Regular Session	Cloud
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Present law requires a provider of electronic monitoring services to notify both the bail agent on record and the court within 24 hours if a monitoring violation occurs.

Proposed law retains present law and adds the district attorney for the parish of prosecution, or the attorney general if acting as the district attorney ad hoc, to the present law list of people to be notified.

Present law provides that a provider of electronic monitoring who either intentionally withholds or intentionally fails to timely report required information will be prohibited from registering to provide monitoring services in La. for a period of five years, fined an amount not to exceed \$1,000, and imprisoned for a period not to exceed six months.

Proposed law provides that the present law penalty be changed from a \$1,000 fine and imprisonment for a period not to exceed six months to \$1,000 per day or imprisonment for a period not to exceed six months.

Proposed law otherwise retains present law.

Proposed law provides that:

- (1) The court will impose any condition necessary to further the rehabilitation of a person subject to electronic monitoring including maintaining a job or, if the person is a juvenile, the ability to stay in school, participate in after-school activities, or be subject to a curfew.
- (2) The person subject to electronic monitoring is responsible for paying the cost of monitoring.
- (3) The person subject to electronic monitoring must charge and maintain the monitoring equipment in normal working order.
- (4) The person subject to electronic monitoring must consent to a period of detention, not to exceed six hours, by the electronic monitoring provider, without prior notice or court order, for the purpose of charging, recharging, or repairing the monitoring equipment if the signal is interrupted.
- (5) Electronic monitoring providers in La. must actively monitor any person subject to electronic monitoring and report all violations in compliance with present law as well as provide daily compliance reports to the district attorney.

Proposed law provides that court may, either on its own motion or that of the district attorney, issue a warrant for the arrest of a person subject to electronic monitoring that is noncompliant. Proposed law also provides that a person arrested pursuant to a proposed law warrant be held in custody until a hearing is conducted. Proposed law also provides that a person who is the subject of three noncompliance hearings will be removed from an electronic monitoring program and remanded to custody.

Effective August 1, 2025.

(Amends R.S. 15:571.36(C)(4)(intro para.) and (D); adds R.S. 15:571.37)