
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Gary Smith (SB 649)

Proposed law provides that in determining conditions of release of a defendant who is alleged to have committed any burglary offense, misappropriation with violence, or misappropriation without violence, as provided for by present law, the court may consider the defendant's criminal history, including but not limited to prior convictions of any burglary, misappropriation with violence, or misappropriation without violence, to determine whether the defendant poses a threat or danger to the general public to commit similar offenses in the future. Proposed law further provides that if the court determines that the defendant poses such a threat or danger, it may order the defendant to be equipped with a global positioning system (GPS) device as a condition of release on bail.

Proposed law provides that in determining whether to order a defendant, as a condition of release on bail, to participate in GPS monitoring, the court is to consider the likelihood that the defendant's participation in GPS monitoring will deter the defendant from engaging in additional criminal activity.

Proposed law provides that the defendant will be released on bail pursuant to the provisions of proposed law only if he agrees to pay the cost of the GPS monitoring and fees associated with the GPS device, or agrees to perform community service in lieu of paying such costs.

Proposed law provides that upon ordering GPS monitoring as a condition of release on bail, the court is to designate a local law enforcement agency to be the repository of all electronic information gathered from the GPS provider. Proposed law further provides that the law enforcement agency so designated is to report to the court in writing within seven days any information relative to the defendant's having engaged in alleged criminal activity while participating in the GPS monitoring.

Proposed law provides that any local, state, or federal law enforcement agency may request from the local law enforcement agency serving as the repository of electronic information, and may subsequently utilize, all such electronic information relative to suspected criminal activity.

Proposed law provides that "global positioning system" means a system that electronically determines and reports the location of an individual by means of an ankle bracelet transmitter or similar device worn by the individual that transmits latitude and longitude data to the GPS provider through global positioning satellite technology, but does not contain or operate any GPS technology or radio frequency identification technology or similar technology that is implanted in or otherwise invades or violates the corporeal body of the individual.

Proposed law provides that a violation of any condition of release, including participation in GPS monitoring, may be punishable by the forfeiture of bail and the issuance of a bench warrant for the defendant's arrest, or remanding the defendant to custody or a modification of the terms of bail.

Effective August 1, 2012.

(Adds C.Cr.P. Art. 334.4)