

Regular Session, 2013

HOUSE BILL NO. 335

BY REPRESENTATIVE PYLANT

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

CORR FACILITIES/JAILS: Provides relative to the housing of prisoners in correctional facilities

1 AN ACT

2 To enact R.S. 15:827.2, relative to the duties of the Department of Public Safety and
3 Corrections; to require the department to develop a comprehensive plan of
4 incarceration based upon the costs associated with incarceration; to require the
5 department to utilize state and local facilities prior to contracting with private prison
6 facilities; to provide for the consideration of certain factors; to provide for the
7 adoption of rules; to provide for definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:827.2 is hereby enacted to read as follows:

10 §827.2. Additional duties; cost-effective incarceration

11 A. It is the intention of the Louisiana Legislature to provide for the best
12 interests of the citizens of Louisiana by providing safe and cost-effective
13 incarceration of those people committed to the custody of the Department of Public
14 Safety and Corrections.

15 B. The secretary of the Department of Public Safety and Corrections shall
16 develop a comprehensive plan to facilitate the housing of persons committed to the
17 custody of the department in an efficient and cost-effective manner.

18 C.(1) Notwithstanding the provisions of R.S. 15:824 or any other provision
19 of law to the contrary, the secretary shall house individuals committed to the
20 department in state correctional facilities and local jails based upon the security

1 requirements of each individual, the medical needs of the individual, and in the most
2 cost-efficient manner.

3 (2) If additional space is needed to house individuals in the custody of the
4 department, after utilization of state correctional facilities and available local jail
5 space, the department may enter into a cooperative endeavor agreement with a
6 private correctional facility to house individuals committed to the custody of the
7 department while maintaining compliance with the treatment, training, and security
8 needs established by the department.

9 (3) The department shall consider the factors provided for in Subsection D
10 of this Section in making determinations regarding the housing of individuals
11 committed to the custody of the department.

12 D. The department shall consider the following in making its determination:

13 (1) The costs associated with feeding and housing individuals.

14 (2) The costs associated with employment of qualified personnel to properly
15 secure and maintain the facility.

16 (3) The availability of facilities to provide adequate health care for aged or
17 infirm inmates.

18 E. The provisions of this Section shall not be construed to require that any
19 individual committed to the Department of Public Safety and Corrections be
20 subjected to a standard of living below that required by the constitutions of the
21 United States and the state of Louisiana, as ordered or interpreted by the appropriate
22 courts of last resort.

23 F. For the purposes of this Section:

24 (1) "Local jail" means a correctional facility operated by a political
25 subdivision of the state or defined by law as a political corporation.

26 (2) "Private correctional facility" means a correctional facility operated by
27 a private entity.

28 (3) "State correctional facility" means a correctional facility owned and
29 operated by the state of Louisiana or the Louisiana Correctional Facilities

1 Corporation housing prisoners committed to the custody of the Department of Public
2 Safety and Corrections.

3 G. Any facility housing individuals as authorized by the provisions of this
4 Section shall meet the treatment, training, and security needs established by the
5 department.

6 H. The department may adopt rules to implement the provisions of this
7 Section, and such rules shall be adopted pursuant to the provisions of the
8 Administrative Procedure Act.

9 I. The provisions of this Section shall not be construed to impair the
10 obligations of any contract entered into by the Department of Public Safety and
11 Corrections and a private correctional facility prior to August 1, 2013.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

Pylant

HB No. 335

Abstract: Requires DPS&C to develop a comprehensive plan to facilitate the housing of inmates in an efficient and cost-effective manner and to utilize state and local facilities prior to contracting with private prison facilities.

Proposed law requires the secretary of DPS&C to house individuals committed to the department in state correctional facilities and local jails based upon the security requirements of each individual, the medical needs of the individual, and in the most cost-efficient manner.

Proposed law further provides that if additional space is needed to house individuals in the custody of the department, after utilization of state correctional facilities and available local jail space, the department may enter into a cooperative endeavor agreement with a private correctional facility to house individuals committed to the custody of the department while maintaining compliance with the treatment, training, and security needs established by the department.

Proposed law requires DPS&C to consider the following factors in making determinations regarding the housing of inmates within the custody of the department:

- (1) The costs associated with feeding and housing individuals.
- (2) The costs associated with employment of qualified personnel to properly secure and maintain the facility.
- (3) The availability of facilities to provide adequate health care for aged or infirm inmates.

Proposed law further provides that any facility housing inmates shall meet the treatment, training, and security needs established by the department.

Provides that proposed law shall not be construed to impair the obligations of any contract entered into by DPS&C and a private correctional facility prior to Aug. 1, 2013.

(Adds R.S. 15:827.2)