SLS 15RS-502

ENGROSSED

2015 Regular Session

SENATE BILL NO. 73

BY SENATOR MORRISH

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

CORRECTIONAL FACILITIES. Defines a judicial agency for purposes of referring certain persons arrested for commission of a crime in housing or a temporary residence which is regulated by the Department of Public Safety and Corrections. (8/1/15)

1	AN ACT
2	To amend and reenact R.S. 40:2852 and 2853(A), relative to facilities providing housing or
3	temporary residence to certain individuals arrested for commission of a crime; to
4	provide for referral to these facilities by certain judicial agencies; to define a judicial
5	agency; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 40:2852 and 2853(A) are hereby amended and reenacted to read as
8	follows:
9	§2852. Facilities providing housing or temporary residence to individuals referred
10	by judicial agencies
11	A. Any facility, including pretrial diversion facilities, not otherwise required
12	to be licensed by the Department of Health and Hospitals or the Department of
13	Children and Family Services, that provides housing or temporary residence for
14	individuals who have been arrested for the commission of a crime and who are
15	referred by any judicial agency, including the District Attorney's office as defined
16	in this Section, shall be regulated by rules adopted and enforced by the Department
17	of Public Safety and Corrections for the operation of such these facilities.

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	B. The rules shall include, but not be limited to, providing for the
2	construction, standards of operation, and services provided for such these facilities.
3	All rules shall be adopted in accordance with the Administrative Procedure Act.
4	C. No facility shall provide housing or temporary residence to any individual
5	and no judicial agency shall refer any individual to a facility providing housing or
6	temporary residence until the Department of Public Safety and Corrections has
7	adopted rules and has inspected the facility and certified that the facility is in
8	compliance with such these rules as provided for by this Section.
9	D. All facilities shall be accredited by the American Correctional Association
10	within twenty-four months of opening as a judicial agency referral residential facility
11	and shall maintain accreditation by the American Correctional Association at all
12	times thereafter.
13	E. For the purposes of this Chapter, "judicial agency" means the district
14	court and officers thereof, including the district judge, the prosecutor and
14 15	court and officers thereof, including the district judge, the prosecutor and district attorneys. However, no sheriff or sheriff's department of any parish in
15	district attorneys. However, no sheriff or sheriff's department of any parish in
15 16	district attorneys. However, no sheriff or sheriff's department of any parish in this state shall be deemed to be a judicial agency pursuant to this Chapter.
15 16 17	district attorneys. However, no sheriff or sheriff's department of any parish in this state shall be deemed to be a judicial agency pursuant to this Chapter. Judicial agency referral residential facilities shall not participate in sheriffs'
15 16 17 18	district attorneys. However, no sheriff or sheriff's department of any parish in this state shall be deemed to be a judicial agency pursuant to this Chapter. Judicial agency referral residential facilities shall not participate in sheriffs' work release programs nor shall they receive funding from the state.
15 16 17 18 19	district attorneys. However, no sheriff or sheriff's department of any parish in this state shall be deemed to be a judicial agency pursuant to this Chapter. Judicial agency referral residential facilities shall not participate in sheriffs' work release programs nor shall they receive funding from the state. §2853. Facilities providing housing or temporary residence to individuals referred
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The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

SB 73 Engrossed

DIGEST 2015 Regular Session

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<u>Present law</u> provides for judicial agency referral residential facilities, including pretrial diversion facilities, not otherwise required to be licensed by the Dept. of Health and Hospitals or the Dept. of Children and Family Services, that provide housing or temporary residence for individuals who have been arrested for the commission of a crime. <u>Present law</u> further provides for referral of arrestees to these facilities by any judicial agency, including the district attorney's office.

<u>Proposed law</u> removes specific reference to the district attorney's office from <u>present law</u> and further defines a "judicial agency" for purposes of <u>proposed law</u> as the district court and officers thereof, including the district judge, the prosecutor and district attorneys. <u>Proposed law</u> further provides that no sheriff or sheriff's department of any parish in this state is deemed to be a judicial agency for purposes of <u>present law</u> and <u>proposed law</u>. <u>Proposed law</u> further provides that judicial agency referral residential facilities cannot participate in sheriffs' work release programs nor can they receive funding from the state.

<u>Proposed law</u> retains <u>present law</u> requirements that the facility be regulated by rules adopted and enforced by the Dept. of Public Safety and Corrections and that each facility be accredited by the American Correctional Association (ACA) within 24 months of operating as a judicial agency referral residential facility, and that it maintain accreditation by the ACA at all times.

<u>Present law</u> prohibits any facility, including a pretrial diversion facility, that provides housing or temporary residence for individuals who have been arrested for the commission of a crime who are referred by any judicial, prosecuting, or law enforcement authority from being located within 1,000 feet of any property used by any school or any child day care center.

<u>Proposed law</u> retains <u>present law</u> but removes reference of referral by any judicial, prosecuting, or law enforcement authority, and provides for referral by any judicial agency as defined in <u>proposed law</u>.

Effective August 1, 2015.

(Amends R.S. 40:2852 and 2853(A))

Summary of Amendments Adopted by Senate

<u>Committee Amendments Proposed by Senate Committee on Judiciary C to the</u> <u>original bill</u>

1. Changes definition of "judicial agency" for purposes of <u>present law</u> and <u>proposed law</u>.