2026 Act 858: Electronic Monitoring Payment & Nonpayment Overview

Public educational summary of Act 858 (HB 968), effective August 1, 2026. | Louisiana

Act 858 amended R.S. 15:571.37. Its nonpayment subsection applies only to a person tried as an adult who is subject to court-ordered electronic monitoring in a criminal proceeding.

What Act 858 Changed

- An adult required to pay electronic-monitoring costs must provide the provider with a method of payment or payment arrangement acceptable to the provider.
- The Act creates a structured court process when a covered monitored individual fails to pay an outstanding or delinquent amount lawfully owed for monitoring services.
- It addresses provider notice and documentation, hearing timing, continued supervision, possible replacement-provider transition, surety participation when bail may be affected, and victim-safety notice.

High-Level Nonpayment Process

Stage	Act 858 framework - high level
1. Delinquency	Provider may file a written delinquency report and notice of hearing request in the pending criminal proceeding and notify the court of intended termination for nonpayment/delinquency.
2. Notice	Provider must make every reasonable attempt to deliver the report to the monitored individual, court, district attorney, and affected surety/bail agent/bondsman, using methods authorized by the Act.
3. Certification & support	Provider certifies delivery/attempted delivery/transmission and may attach supporting records. The report must contain the minimum information specified by the Act.
4. Hearing setting	The Act directs the court to set the matter for hearing within the statutory period, subject to legal holidays and lawful service/notice timing.
5. Continued supervision	The current provider continues supervision and violation reporting through the hearing and, if ordered, during a limited replacement-provider period.
6. Court determination	The court addresses whether monitoring remains required, possible replacement, interim conditions, bail modification, surety position, custody/public/victim safety, and lawful payment terms.
7. Transition / removal	If a replacement period is permitted, the Act establishes procedures intended to avoid a gap in supervision before the prior device is removed.

Surety and Bail Considerations

When a bail undertaking may be modified, Act 858 provides for notice to the surety and allows a surety response consistent with Code of Criminal Procedure Article 319. The court may consider whether the surety agrees to remain bound under a modified bail order, requires substitute security authorized by law, or does not want to remain bound. The Act also preserves surety rights otherwise provided by law.

Victim-Safety Considerations

When the proceeding results in device removal, reduced supervision, modification of a victim-safety condition, or a change in custody or supervision that may affect victim safety, Act 858 requires victim notice in the manner otherwise provided by law. It also assigns the district attorney a reasonable-efforts notification role for specified hearing events. This public summary intentionally does not include victim identifiers, contact information, locations, or operational safety procedures.

Nonpayment Is Not the Sole Basis for Certain Dispositions

Act 858 states that remand, custody decisions, bail modification, continued supervision orders, or release decisions under the new subsection are to be based on public safety, victim safety, court appearance, surety status, or loss of court-approved supervision, and not solely on nonpayment. The court must state reasons for its ruling on the record.

Implementation Boundary

This overview describes the enacted framework at a public educational level. Provider forms, filing procedures, local court practices, account documentation, case-specific legal decisions, and EMAP implementation details should be handled through the applicable court process, organizational procedures, and legal review.

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Official Sources

Act 858 / HB 968 - Bill information and status

Act 858 / HB 968 - Enrolled Act text

Current R.S. 15:571.37