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NEWS**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?****Electronic Home Detection Act****Summary**

This Act would allow the courts to sentence low risk, non-violent offenders to participate in an electronic home detention program. Consent of the participant would be required. The Act would also establish the requirements of participants in the program and stipulate the conditions that would result in expulsion.

**Model Legislation****{Title, enacting clause, etc.}**

**Section 1. {Title.}** This Act may be cited as the Electronic Home Detention Act.

**Section 2. {Definitions.}** As used in this Act:

(A) "Correctional administrator" means the sheriff, chief probation officer, director or commissioner, or other official in charge of a county or state corrections facility or department.

(B) "Board" means a body authorized by statute to supervise corrections programs and/or to authorize release of participants into corrections programs.

(C) "Court" means a district, circuit, superior, municipal, or juvenile court having criminal or juvenile jurisdiction to place a participant in electronic home detention.

(D) "Approved electronic monitoring device" means a device approved by the board, court, or correctional administrator that is primarily intended to record and transmit confirmation of a defendant's presence or nonpresence in the home. An approved electronic monitoring device may record or transmit oral or wire communications or an auditory sound; visual images; or information regarding the offender's activities while inside the offender's home. These devices are subject to the required consent as set forth in Section 5. An approved electronic monitoring device may be used to record a conversation between the participant and the monitoring device or the participant and the person supervising the participant solely for the purpose of identification, and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.

(E) "Home detention" means the confinement of a person convicted or charged with a crime to his or her place of residence under the terms and conditions established by the board, court, or correctional administrator.

(F) "Participant" means an inmate or offender placed into an electronic monitoring program.

**Section 3. {Application.}** Notwithstanding any provision of the law that requires mandatory incarceration, an electronic home detention program may be used for low risk, nonviolent, adult and juvenile offenders as selected by the board or court. Applications for electronic home detention may include, but will not be limited to, the following:

(A) pre-trial or pre-adjudicatory detention;

(B) probation;

(C) community corrections;

(D) parole;

(E) work release;

(F) institutional furlough; or

(G) jail diversion.

**Section 4. {Program description.}** The board, court, or correctional administrator shall promulgate rules that prescribe reasonable guidelines under which an electronic home detention program shall operate. These rules shall include but not be limited to the following:

(A) The participant shall remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the correctional administrator. Such instances of approved absences from the home may include but are not limited to the following:

(1) work or employment approved by the court or traveling to or from approved employment;

(2) unemployed and seeking employment approved for the participant by the court;

(3) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the court;

(4) attending an educational institution or a program approved for the participant by the court;

(5) attending a regularly scheduled religious service at a place of worship;

- (6) participating in community work release or community service program approved for the participant by the court; or  
 (7) for another compelling reason consistent with the public interest, as approved by the correctional administrator.

(B) The participant shall admit any person or agent designated by the correctional administrator into his or her residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention.

(C) The participant shall make the necessary arrangements to allow for any person or agent as designated by the correctional administrator to visit the participant's place of education or employment at any time, based upon the approval of the educational institution and/or employer, for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(D) The participant shall acknowledge and participate in the approved electronic monitoring program as designated by the court, board, or correctional administrator at any time for the purpose of verifying the participant's compliance with the conditions of his or her detention.

(E) The participant shall maintain the following:

- (1) a working telephone in the participant's home;
- (2) a monitoring device in the participant's home, or on the participant's person, or both; and
- (3) a monitoring device in the participant's home and on the participant's person in the absence of a telephone.

(F) The participant shall obtain approval from the correctional administrator before the participant changes residence or the schedule described in Section 4(A).

(G) The participant shall be notified that violation of the order for home detention may subject the participant to prosecution for the crime of escape as a felony.

(H) The participant shall abide by other conditions as set by the court administrator.

**Section 5. {Consent of the participant.}** Before entering an order for commitment for electronic home detention, the board, court, and correctional administrator shall inform the participant and other persons residing in the home of the nature and extent of the approved electronic monitoring devices by doing the following:

(A) securing the written consent of the participant in the program to comply with the rules and regulations of the program as stipulated in Subsections (A) through (H) of Section 4;

(B) securing the written consent of other persons residing in the home of the participant at the time an order or commitment for electronic home detention is entered and acknowledge the nature and extent of approved electronic monitoring devices;

(C) Ensuring that the approved electronic devices be minimally intrusive upon the privacy of the participant and other persons residing in the home while remaining in compliance with Subsections (B) through (D) of Section 4.

## **Section 6. {Severability clause.}**

## **Section 7. {Repealer clause.}**

## **Section 8. {Effective date.}**

ALEC's Sourcebook of American State Legislation 1995

## **ALEC EXPOSED**

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations-includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With ALEC EXPOSED, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

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