

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 395****2017 Regular Session****Dustin Miller**

MENTAL HEALTH: Amends the procedures for involuntary mental health treatment

Synopsis of Senate Amendments

1. Authorizes a judge to waive the 10-day notice requirement for good cause shown.

Digest of Bill as Finally Passed by Senate

Present law provides for the involuntary judicial commitment of individuals for mental health treatment.

Proposed law makes technical corrections to the provisions of law regarding judicial commitment and updates terminology.

Present law requires the court, upon the filing of a petition for judicial commitment, to assign a time, not later than 18 calendar days thereafter, and a place for a hearing on the petition. Further requires reasonable notice of the hearing to be given to the respondent, respondent's attorney, and the petitioner.

Proposed law retains present law and requires the court to deliver the notice of the hearing at least 10 days prior to the hearing and adds the La. Dept. of Health (LDH), bureau of legal services to the list of parties who receive notice. Further authorizes the court to overrule any objections made as to notice being delivered less than 10 days prior to the hearing if there is good cause shown as to why the notice was delivered untimely.

Present law sets forth the procedure for a hearing on a petition for judicial commitment.

Proposed law retains present law and specifies that the hearing shall take precedence over all other matters, except pending cases of the same type, and shall be a closed hearing.

Proposed law authorizes LDH, if not the petitioner, to present evidence, call witnesses, and cross-examine witnesses testifying at the hearing. Further limits LDH to presenting evidence and testimony regarding the placement of the respondent in proceedings for judicial commitment based upon mental illness or substance use disorders.

Proposed law requires the parties to the hearing, if LDH is not the petitioner, to consult with LDH before entering into a stipulated judgment committing the patient to LDH.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 28:54(A) and (C), 55(A)-(D) and (E)(1) and (5), 56(C) and (G)(4), 59(A)-(C), 454.6(A)(intro. para.), (5), and (6) and (B); Adds R.S. 28:454.6(A)(7))