

2018 Regular Session

HOUSE BILL NO. 773

BY REPRESENTATIVE LYONS

DOMESTIC ABUSE: Provides relative to a mental health evaluation upon the issuance of a protective order in domestic abuse cases

1 AN ACT

2 To amend and reenact R.S. 46:2136(A)(4), relative to protective orders and consent
3 agreements issued in domestic abuse cases; to provide for a mental health evaluation
4 of a perpetrator of domestic abuse; to remove the authority of the court to order a
5 medical evaluation or counseling of an abused person; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:2136(A)(4) is hereby amended and reenacted to read as follows:

9 §2136. Protective orders; content; modification; service

10 A. The court may grant any protective order or approve any consent
11 agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2132,
12 or the threat or danger thereof, to a party, any minor children, or any person alleged
13 to be incompetent, which relief may include but is not limited to:

14 * * *

15 (4)(a) Ordering ~~an additional~~ a medical or mental health opinion regarding
16 ~~a medical evaluation of the defendant or the abused person, or both,~~ perpetrator to
17 be conducted by an independent court-appointed evaluator who qualifies as an expert
18 in the field of domestic abuse. The evaluation shall be conducted by a person who

1 has no family, financial, or prior medical or mental health relationship with the
 2 defendant ~~perpetrator or abused person~~, or ~~their attorneys~~ his attorney of record.

3 (b) ~~If the additional medical opinion medical evaluation is ordered for both~~
 4 ~~the defendant and abused person, two separate evaluators shall be appointed.~~

5 (c)(b) After ~~an additional~~ a medical or mental health ~~opinion medical~~
 6 evaluation has been completed and a report issued, the court may order counseling
 7 or other medical or mental health treatment as deemed appropriate.

8 * * *

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)]

HB 773 Reengrossed

2018 Regular Session

Lyons

Abstract: When a protective order is issued or the court approves a consent agreement to bring about a cessation of domestic abuse, authorizes the court to order a mental health evaluation of the perpetrator.

Present law provides that a court may grant a protective order or approve a consent agreement to bring about the cessation of domestic abuse. Further provides that when granted the protective order, the court may order a medical opinion regarding a medical evaluation of the defendant or the abused person, or both, to be conducted by an independent court-appointed evaluator.

Proposed law removes the courts authority to order a medical opinion regarding a medical evaluation of the abused person.

Proposed law authorizes the court to order a mental health evaluation of the perpetrator subject to the same provisions of present law relative to the medical evaluation.

(Amends R.S. 46:2136(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore present law and remove the proposed law provision that required a protective order or consent agreement to include an order for a psychiatric evaluation and other provisions related thereto.
2. Amend present law relative to the ordering of medical opinions and evaluations to authorize the court to order a medical or mental health evaluation.

The House Floor Amendments to the engrossed bill:

1. Remove the authority of the court to order a medical or mental health evaluation or counseling of the abused person.
2. Change the word "defendant" to "perpetrator" throughout.