

GREEN SHEET REDIGEST

HB 773

2018 Regular Session

Lyons

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

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

DIGEST

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. Proposed law further provides that the court may order either a medical evaluation or a mental health evaluation or both.

(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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Clarify that proposed law allows for either a medical evaluation or a mental health evaluation or both.