

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 54

BY REPRESENTATIVE JACKSON

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Health, the Louisiana District Judges Association, Louisiana District Attorneys Association, Louisiana Public Defender Board, Advocacy Center of Louisiana, Louisiana Mental Health Advocacy Service, and other parties as may be determined by the study committee, to study jointly the requirements and application of the Louisiana Code of Criminal Procedure Article 648 and to report their study findings to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Criminal Justice, and Senate Judiciary A Committee at least sixty days prior to the convening of the 2019 Regular Session of the Legislature.

WHEREAS, the Legislature of Louisiana finds that if a defendant lacks the mental capacity to proceed to trial, he may be in need of competency restoration and the Louisiana Department of Health is authorized to provide such competency restoration; and

WHEREAS, the legislature finds that competency restoration may be provided within jail, on an outpatient basis within the community, or on an inpatient basis at Eastern Louisiana Mental Health System; and

WHEREAS, the legislature finds that the nature of the crime and the time to complete the competency restoration should be an indication as to whether jail-based, outpatient, or inpatient competency restoration is appropriate; and

WHEREAS, the legislature finds that if the defendant is unlikely to be restored within the foreseeable future, the defendant shall either be released or remanded to the Louisiana Department of Health for judicial civil commitment or to be discharged; and

WHEREAS, the legislature finds that a study is necessary to review how this law is being applied and the effects of such application; and

WHEREAS, the legislature finds that a study is necessary regarding what additional circumstances should be considered when determining if jail-based, outpatient, or inpatient competency restoration is to be ordered, and to consider the available resources when making such a determination; and

WHEREAS, the legislature finds that a study is necessary regarding the appropriate scope of the court's authority and the department's authority under this law regarding release and discharge of the defendant when the defendant is found to unlikely be restored within the foreseeable future; and

WHEREAS, the legislature finds that the Louisiana Department of Health, jointly with the Louisiana District Judges Association, Louisiana District Attorneys Association, Louisiana Public Defender Board, Advocacy Center of Louisiana, Louisiana Mental Health Advocacy Service, and other parties as may be determined, is the appropriate body to conduct a study relative to the goal set out herein and to submit a report on its findings to the legislature for consideration.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request that the Louisiana Department of Health in consultation with the Louisiana District Judges Association, Louisiana District Attorneys Association, Louisiana Public Defender Board, Advocacy Center of Louisiana, Louisiana Mental Health Advocacy Service, and other parties as may be determined by the study committee, specifically study the requirements of Code of Criminal Procedure Article 648, how it is being applied, the effects of such application, and the need for possible amendments to the law to include best practices for competency restoration efforts when working to restore a defendant to competency, as well as judicial civil commitments of those defendants who are unable to be restored to competency.

BE IT FURTHER RESOLVED that the Louisiana Department of Health jointly with the Louisiana District Judges Association, Louisiana District Attorneys Association, Louisiana Public Defender Board, Advocacy Center of Louisiana, Louisiana Mental Health Advocacy Service, and other parties as may be determined, shall submit a summary of their findings to the House Committee on Health and Welfare, the Senate Committee on Health

and Welfare, and the House Committee on Criminal Justice, and Senate Judiciary A Committee, at least sixty days prior to the convening of the 2019 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health, Louisiana District Judges Association, Louisiana District Attorneys Association, Louisiana Public Defender Board, Advocacy Center of Louisiana, and Louisiana Mental Health Advocacy Service.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE