

RÉSUMÉ DIGEST

ACT 352 (SB 72)

2018 Regular Session

Martiny

Prior law provided relative to persons suffering from mental illness or disorders.

Prior law provided procedures when executing an order for protective custody and the use of forced entry when executing a protective order. Further provided for limitations of civil liability for law enforcement agencies when executing an order of protective custody.

New law provides that a coroner or his staff may apply to the court for an order of protective custody that allows law enforcement to use forced entry to gain access into premises when executing an order of protective custody.

New law provides for accompanying documents for an order for protective custody and provides for both oral and telephonic orders of protections under exceptional circumstances.

New law provides for limitations of civil liability to an elected coroner and his support staff, and the executing law enforcement agencies and its officers for acts done in good faith while executing an order of protective custody. Further provides that such limitation does not apply in instances of gross negligence or willful and wanton misconduct.

New law provides that the limitation of civil liability does not extend to any action for the serious bodily injury or wrongful death occasioned as a result of the restraint or transportation of the person subject to the request and order for protective custody.

New law also provides that the limitation of civil liability does not extend to injuries or damages sustained by a third party physically injured during the execution of a request and order for protective custody.

Effective upon signature of governor (May 10, 2018).

(Amends R.S. 28:53.2(G))