

2019 Regular Session

HOUSE BILL NO. 287

BY REPRESENTATIVE HILL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS: Provides relative to the issuance of reasonable notice to the Louisiana Department of Health upon judicial commitment following judicial hearing

1 AN ACT

2 To amend and reenact R.S. 28:55(E)(1) and 454.6(B), relative to the judicial commitment  
3 of persons; to require judicial notice upon such commitments during judicial  
4 hearings to be given to the Louisiana Department of Health; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 28:55(E)(1) and 454.6(B) are hereby amended and reenacted to read  
8 as follows:

9 §55. Judicial hearings

10 \* \* \*

11 E.(1) If the court finds by clear and convincing evidence that the respondent  
12 is dangerous to self or others or is gravely disabled, as a result of a substance-related  
13 or addictive disorder or mental illness, it shall render a judgment for his  
14 commitment. After considering all relevant circumstances, including clinical  
15 recommendations and any preference of the respondent or his family, the court shall  
16 determine whether the respondent should be committed to a treatment facility which  
17 is medically suitable and least restrictive of the respondent's liberty. However, if the  
18 placement determined by the court is unavailable, the court may commit the  
19 respondent to the Louisiana Department of Health for appropriate placement subject  
20 to the availability of department resources until such time as an opening is available

1 for transfer to the treatment facility determined by the court. If the department is not  
 2 the petitioner, the parties shall first consult with the department or its counsel before  
 3 entering into a judgment stipulating a commitment of the respondent to the  
 4 department. When the judgment results in a commitment of the respondent to the  
 5 department, either ordered by the court or through stipulation of the parties, the court  
 6 shall cause reasonable notice of the judgment thereof to be delivered to the  
 7 department.

8 \* \* \*

9 §454.6. Judicial hearings; commitments

10 \* \* \*

11 B. If the court finds by clear and convincing evidence that the respondent has  
 12 a developmental disability and is either dangerous to himself or dangerous to others,  
 13 it may render a judgment for his commitment. Courts committing persons to the  
 14 custody of the department shall not make such commitments to specific private or  
 15 public facilities but shall only commit such individuals to the department. If the  
 16 department is not the petitioner, the parties shall first consult with the department or  
 17 its counsel before entering into a judgment stipulating to a commitment of the  
 18 respondent to the department. When the judgment results in a commitment of the  
 19 respondent to the department, either ordered by the court or through stipulation of  
 20 the parties, the court shall cause reasonable notice of the judgment thereof to be  
 21 delivered to the department.

22 \* \* \*

23 Section 2. This Act shall become effective upon signature by the governor or, if not  
 24 signed by the governor, upon expiration of the time for bills to become law without signature  
 25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 26 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 27 effective on the day following such approval.

---

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 287 Original

2019 Regular Session

Hill

**Abstract:** Requires judicial notice to be given to the Louisiana Department of Health upon judicial commitment of an individual.

Present law provides for the commitment of a person who is dangerous to self or others or is gravely disabled, as a result of a substance-related or addictive disorder or mental illness, to the La. Department of Health (LDH) when a treatment facility is otherwise unavailable; either by petition of LDH or, when LDH is not a party, upon proper stipulation of the parties.

Present law provides for the commitment of a person who has a developmental disability and is either a danger to himself or dangerous to others, to LDH either by petition of LDH or, when LDH is not a party, upon proper stipulation of the parties.

Proposed law provides that upon such commitments under present law, the court shall cause reasonable notice of judgment to be given to LDH.

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

(Amends R.S. 28:55(E)(1) and 454.6(B))