

2023 Regular Session

HOUSE BILL NO. 55

BY REPRESENTATIVES SELDERS, BOYD, BRASS, BRYANT, WILFORD CARTER,
CORMIER, COX, FISHER, GLOVER, JENKINS, KNOX, LAFLEUR, LANDRY,
LARVADAIN, LYONS, MCFARLAND, MOORE, SCHLEGEL, AND WILLARD

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

CORRECTIONS: Provides relative to mental health treatment of incarcerated people

1 AN ACT

2 To amend and reenact R.S. 15:830(A), (B), and (C) and to enact R.S. 15:830(D) and (E),
3 relative to the mental health treatment of incarcerated persons; to provide for
4 legislative intent; to provide relative to the duties of the Department of Public Safety
5 and Corrections; to provide for training; to provide for treatment goals; to provide
6 for discharge plans; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:830(A), (B), and (C) are hereby amended and reenacted and R.S.
9 15:830(D) and (E) are hereby enacted to read as follows:

10 §830. Treatment of inmates with mental illness or intellectual disability

11 A. This Section shall be cited and referred to as "The Mental Healing Justice
12 for Incarcerated People Act".

13 B. It is the intent of the legislature that the state of Louisiana shall allocate
14 state funding for the "Mental Healing Justice for Incarcerated People Act" to ensure
15 both the access and delivery of quality care for individuals incarcerated within the
16 Department of Public Safety and Corrections. The legislature also finds that access
17 to high-quality mental health services, regardless of the setting, is of importance. The
18 state wholly supports efforts to assist incarcerated individuals suffering from severe
19 and persistent mental illnesses in their efforts to navigate incarceration and reentry
20 into society.

1 ~~A. C.(1)~~ The department ~~may~~ shall establish resources and programs for the
2 treatment of inmates with a mental illness or an intellectual disability; either in a
3 separate facility or as part of other institutions or facilities of the department.

4 (2)(a) Subject to appropriation by the legislature and the availability of
5 resources, the department shall provide screening to persons entering state prison
6 facilities, upon intake, for mental health disorders as defined in the current edition
7 of the Diagnostic and Statistical Manual of Mental Disorders published by the
8 American Psychiatric Association.

9 (b) At any point during the person's incarceration, any department staff
10 member who suspects that an incarcerated person may have a mental illness may
11 refer that person to the facility's mental health department.

12 (3) Subject to appropriation by the legislature and the availability of
13 resources, the department shall provide Mental Health First Aid training to
14 employees on an annual basis.

15 (4) The department may utilize trained peer support who have shared lived
16 experiences to augment and enhance mental health services.

17 (5) To the extent feasible and subject to the availability of department and
18 community resources, the department, prior to the release of an incarcerated person,
19 shall provide an incarcerated person who has been diagnosed with a serious mental
20 illness an appointment or walk-in instructions for a community mental health
21 provider to ensure continuity of care.

22 ~~B. D.~~ On the recommendation of appropriate medical personnel and with the
23 consent of the Louisiana Department of Health or other appropriate department, the
24 secretary of the Department of Public Safety and Corrections may transfer an inmate
25 for observation and diagnosis to the Louisiana Department of Health or other
26 appropriate department or institution for a period not to exceed the length of his
27 sentence. If the inmate is found to be subject to civil commitment for psychosis or
28 other mental illness or intellectual disability, the secretary of the Department of
29 Public Safety and Corrections shall initiate legal proceedings for such commitment.

1 If the inmate is not represented by counsel at such legal proceedings, the court shall
2 appoint an attorney to represent him. Reasonable attorney fees shall be fixed by the
3 judge and shall be paid by the state. While the inmate is in such other institution his
4 sentence shall continue to run.

5 ~~E.~~ E. When, in the judgment of the administrator of the institution to which
6 an inmate has been transferred, he has recovered from the condition which
7 occasioned the transfer, he shall be returned to the department, unless his sentence
8 has expired.

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 55 Reengrossed

2023 Regular Session

Selders

Abstract: Provides relative to the treatment of incarcerated individuals with mental health needs.

Proposed law shall be cited and referred to as "The Mental Healing Justice for Incarcerated People Act".

Proposed law provides a statement of legislative intent. Further provides that it is the intent of the legislature that the state allocate funding for proposed law to ensure both the access and delivery of quality care for individuals incarcerated within the Dept. of Public Safety and Corrections (department).

Proposed law further provides within the statement of legislative intent that the legislature also finds access to high-quality mental health services, regardless of the setting, to be of importance. Further provides that the state wholly supports efforts to assist incarcerated individuals suffering from severe and persistent mental illnesses in their efforts to navigate incarceration and reentry into society.

Present law (R.S. 15:830) provides that the department may establish resources and programs for the treatment of inmates with a mental illness or an intellectual disability, either in a separate facility or as part of other institutions or facilities of the department.

Proposed law amends present law to make the establishment of resources and programs mandatory.

Proposed law provides for the duties of the department as follows:

- (1) Provide screening to persons entering state prison facilities, upon intake, for mental health disorders as defined in the current edition of the Diagnostic And Statistical Manual, subject to appropriation by the legislature and the availability of resources.
- (2) Refer a person to a facility's mental health department if at any point during the person's incarceration, any department staff member suspects that an incarcerated person may have a mental illness.

- (3) Provide Mental Health First Aid training to employees on an annual basis, subject to appropriation by the legislature and the availability of resources.
- (4) Utilize trained peer support who have shared lived experiences to augment and enhance mental health services.
- (5) Provide an incarcerated person who has been diagnosed with a serious mental illness, prior to that person's release, with an appointment or walk-in instructions for a community mental health provider to ensure continuity of care to the extent that this is feasible and subject to the availability of department and community resources.

(Amends R.S. 15:830(A), (B), and (C); Adds R.S. 15:830(D) and (E))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Remove all definitions from proposed law except for "post-traumatic stress disorder".
3. Redefine the proposed law definition of "post-traumatic stress disorder".
4. Provide that the present law resources and programs established by the department for the treatment of inmates with a mental illness or an intellectual disability shall also be made available to incarcerated people meeting diagnostic criteria for post-traumatic stress disorder.
5. Change the proposed law duties of the department relative to treatment of inmates with a mental illness or an intellectual disability, including incarcerated people meeting diagnostic criteria for post-traumatic stress disorder.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change proposed law language relative to legislative intent.
3. Remove the term "post-traumatic stress disorder" and all of its references from proposed law.
4. Clarify duties of the department as follows:
 - (a) Provide that an incarcerated person who is suspected of having a mental illness, rather than a traumatic event or symptoms of post-traumatic stress disorder (PTSD), may be referred to the facility's mental health department.
 - (b) Remove the requirement that any person suspected of having PTSD be referred to a psychiatrist for future evaluation and treatment.
 - (c) Provide for Mental Health First Aid training to employees on an annual basis.

- (d) Change from mandatory to permissive the duty to utilize trained peer support to augment or enhance mental health services.
5. Relative to screening, training, and discharge plans, provide that the department's ability to administer these duties are subject to appropriation by the legislature and availability of resources.