

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

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.

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

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

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

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

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

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

19 ~~B.D.~~ On the recommendation of appropriate medical personnel and with the
20 consent of the Louisiana Department of Health or other appropriate department, the
21 secretary of the Department of Public Safety and Corrections may transfer an inmate
22 for observation and diagnosis to the Louisiana Department of Health or other
23 appropriate department or institution for a period not to exceed the length of his
24 sentence. If the inmate is found to be subject to civil commitment for psychosis or
25 other mental illness or intellectual disability, the secretary of the Department of
26 Public Safety and Corrections shall initiate legal proceedings for such commitment.
27 If the inmate is not represented by counsel at such legal proceedings, the court shall
28 appoint an attorney to represent him. Reasonable attorney fees shall be fixed by the
29 judge and shall be paid by the state. While the inmate is in such other institution his
30 sentence shall continue to run.

1 €: E. When, in the judgment of the administrator of the institution to which
2 an inmate has been transferred, he has recovered from the condition which
3 occasioned the transfer, he shall be returned to the department, unless his sentence
4 has expired.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____