

2024 Regular Session

HOUSE BILL NO. 206

BY REPRESENTATIVE VILLIO

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 657 and to enact Code of
3 Criminal Procedure Article 657.3, relative to the continued commitment of certain
4 committed persons; to provide for an exception; to provide for continued custody of
5 certain committed persons based on criteria; to provide for the duration of active
6 supervised release; to provide for a definition; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 657 is hereby amended and reenacted
9 and Code of Criminal Procedure Article 657.3 is hereby enacted to read as follows:

10 Art. 657. Discharge or release; hearing

11 After considering the report or reports filed pursuant to Articles 655 and 656,
12 the court may either continue the commitment or hold a contradictory hearing to
13 determine whether the committed person no longer has a mental illness as defined
14 by ~~R.S. 28:2~~ Article 657.3 and can be discharged, or can be released on probation,
15 without danger to others or to himself as defined by R.S. 28:2. At the hearing the
16 burden shall be upon the state to seek continuance of the confinement by proving by
17 clear and convincing evidence that the committed person currently has a mental
18 illness and is dangerous, except as provided in Code of Criminal Procedure Article
19 657.3. After the hearing, and upon filing written findings of fact and conclusions of
20 law, the court may order the committed person discharged, released on probation
21 subject to specified conditions for a fixed or an indeterminate period, or recommitted
22 to the state mental institution. A copy of the judgment and order containing the

1 written findings of fact and conclusions of law shall be forwarded to the
2 administrator of the forensic facility. Notice to the counsel for the committed person
3 and the district attorney of the contradictory hearing shall be given at least thirty
4 days prior to the hearing.

5 * * *

6 Art. 657.3. Active supervised release for dangerous but not mentally ill committed
7 persons

8 A. Notwithstanding any other provision of law to the contrary, the state may
9 seek active supervised release by the Department of Public Safety and Corrections,
10 office of probation and parole, of a committed person based upon the committed
11 person's continued dangerousness even if the committed person does not have a
12 mental illness as defined by this Article, if both of the following conditions are
13 satisfied:

14 (1) The committed person was found not guilty by reason of insanity for any
15 of the following offenses or attempts to commit any of them:

16 (a) Any crime punishable by death or by life imprisonment.

17 (b) Any crime that is either a crime of violence as defined by R.S. 14:2(B)
18 or a sex offense as defined by R.S. 15:541.

19 (2) The state proves by clear and convincing evidence that the committed
20 person is dangerous to others or dangerous to himself as defined by R.S. 28:2. In
21 satisfying its burden of proof, the state may not rely solely upon the nature of the
22 crime for which the committed person was found not guilty by reason of insanity and
23 may not rely solely upon the diagnosis of any personality disorder.

24 B. Upon satisfaction of the criteria for active supervised release provided in
25 Paragraph A of this Article and consideration of any report filed pursuant to Articles
26 655 and 656, the court shall order the committed person to be placed on active
27 supervised release with any special conditions recommended to the court as well as
28 any conditions of probation provided in Article 895 et seq. for a period not to exceed
29 three years. Such period may be extended in three-year increments upon motion of
30 the district attorney and proof that the committed person still satisfies the criteria for

1 active supervised release under this Article. Under no circumstances shall a
2 committed person who is on active supervised release pursuant to this Article be
3 subject to a probation period that is longer than the maximum term he would have
4 received if he had been convicted of the offense.

5 C. When the committed person is placed on active supervised release, the
6 clerk of court shall deliver a certificate to him setting forth the conditions of his
7 release. The committed person shall be required to agree in writing to the conditions
8 of his release.

9 D. When the committed person has violated or is suspected of violating the
10 conditions of his release, he may be arrested and detained pursuant to Article 899.

11 E. Nothing in this Article shall be construed as abrogating or negating any
12 other provision of this Chapter or any other provision of law relative to the continued
13 commitment, discharge, or conditional release of a person committed pursuant to
14 Article 654.

15 F. For the purposes of this Title, "mental illness" means a psychiatric
16 disorder which has substantial adverse effects on a person's ability to function and
17 requires care and treatment. It does not refer to a person with, solely, an intellectual
18 disability, or who suffers solely from epilepsy or a substance-related or addictive
19 disorder.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____