

Regular Session, 2014

HOUSE BILL NO. 330

BY REPRESENTATIVE LOPINTO

MENTAL HEALTH: Authorizes the use of electronic means for the delivery of an order for protective custody and transportation to the sheriff

1 AN ACT

2 To amend and reenact R.S. 28:53.2(D), relative to involuntary mental health treatment; to
3 authorize the use of electronic means for delivery of the custody order to the sheriff;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 28:53.2(D) is hereby amended and reenacted to read as follows:

7 §53.2. Order for custody; grounds; civil liability; criminal penalty for making a false
8 statement

9 * * *

10 D. The order for custody shall be effective for seventy-two hours from its
11 issuance by the coroner or judge and shall be delivered to the sheriff for execution
12 by facsimile or other electronic means, including but not limited to e-mail. The
13 sheriff or transporting person shall deliver a copy of the order for custody to the
14 coroner, or patient, and director of the treatment facility ~~by the individual who has~~
15 ~~transported the person. The~~ upon execution with the date and hour that the person
16 is taken into protective custody ~~shall be~~ clearly written on the order. Without delay,
17 and in no event more than twelve hours after being taken into protective custody, the
18 person shall be delivered to a treatment facility or the office of the coroner or he
19 shall be released. Upon arrival, the person in custody shall be examined immediately
20 by the coroner or, if at a treatment facility, by a physician, preferably a psychiatrist,

1 medical psychologist, or psychiatric mental health nurse practitioner, who shall
2 determine if the person shall be voluntarily admitted, admitted by emergency
3 certificate, admitted as a noncontested admission, or discharged. The person in
4 custody shall be examined within twelve hours of his arrival at the treatment facility
5 or coroner's office or he shall be released.

6 * * *

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)]

Lopinto

HB No. 330

Abstract: Authorizes the use of electronic means for the delivery of an order for protective custody and transportation to the sheriff.

Present law authorizes any parish coroner or judge of a court of competent jurisdiction to order a person to be taken into protective custody and transported to a treatment facility or the office of the coroner for immediate examination when a peace officer or other credible person executes a statement under private signature specifying that, to the best of his knowledge and belief, the person is mentally ill or suffering from substance abuse and is in need of immediate treatment to protect the person or others from physical harm.

Proposed law retains present law.

Present law provides that the order for custody shall be effective for 72 hours from its issuance and shall be delivered to the coroner or director of the treatment facility by the individual who has transported the person. Present law requires the date and hour that the person is taken into protective custody to be written on the order.

Proposed law provides that the order for custody shall be effective for 72 hours from its issuance by the coroner or judge and shall be delivered to the sheriff for execution by facsimile or other electronic means, including but not limited to e-mail. Proposed law requires the sheriff or transporting person to deliver a copy of the order for custody to the coroner, patient, and director of the treatment facility upon execution with the date and hour that the person is taken into protective custody clearly written on the order.

Present law requires the person in custody, without delay and in no event more than 12 hours after being taken into protective custody, to be delivered to a treatment facility or the office of the coroner or be released.

Proposed law retains present law.

Present law requires the person in custody, upon arrival, to be examined immediately by the coroner or, if at a treatment facility, by a physician, preferably a psychiatrist, medical psychologist, or psychiatric mental health nurse practitioner, who shall determine if the person shall be voluntarily admitted, admitted by emergency certificate, admitted as a noncontested admission, or discharged.

Proposed law retains present law.

Present law requires the person in custody to be examined within 12 hours of arrival at the treatment facility or coroner's office or be released.

Proposed law retains present law.

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