
DIGEST

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HB 395 Engrossed

2017 Regular Session

Dustin Miller

Abstract: Updates provisions relative to judicial commitment and mental health treatment.

Present law provides for the involuntary judicial commitment of individuals for mental health treatment.

Proposed law authorizes a person who is civilly committed by a criminal court to request a formal voluntary admission if the person meets the requirements for such admission.

Proposed law makes technical corrections to the provisions of law regarding judicial commitment and updates terminology.

Present law sets forth the procedure for a hearing on a petition for judicial commitment.

Proposed law retains present law and specifies that the hearing shall take precedence over all other matters, except pending cases of the same type, and shall be a closed hearing.

Proposed law authorizes the La. Dept. of Health (LDH), if not the petitioner, to present evidence, call witnesses, and cross-examine witnesses testifying at the hearing. Further limits LDH to presenting evidence and testimony regarding the placement of the respondent in proceedings for judicial commitment based upon mental illness or substance use disorders.

Proposed law requires the parties to the hearing, if LDH is not the petitioner, to consult with the department before entering into a stipulated judgment committing the patient to the department.

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

(Amends R.S. 28:54(A) and (C), 55(A)-(D) and (E)(1) and (5), 56(C) and (G)(4), 59(A)-(C), 454.6(A)(intro. para.), (5), and (6) and (B); Adds R.S. 28:52.2(C) and 454.6(A)(7))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete proposed law extending the maximum length of time for the conditional discharge of an individual subject to a judicial commitment.

2. Limit LDH to presenting evidence regarding the placement of the respondent in proceedings for judicial commitment based upon mental illness or substance use disorders.

3. Restore present law provisions requiring a contradictory hearing prior to the extension of a conditional release.
4. Make technical changes.