

RÉSUMÉ DIGEST

ACT 370 (HB 395)

2017 Regular Session

Dustin Miller

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

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

Existing law requires the court, upon the filing of a petition for judicial commitment, to assign a time, not later than 18 calendar days thereafter, and a place for a hearing on the petition. Further requires reasonable notice of the hearing to be given to the respondent, respondent's attorney, and the petitioner.

New law requires the court to deliver the notice of the hearing at least 10 days prior to the hearing and adds the La. Dept. of Health (LDH), bureau of legal services to the list of parties who receive notice. Further authorizes the court to overrule any objections made as to notice being delivered less than 10 days prior to the hearing if there is good cause shown why the notice was delivered untimely.

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

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

New law authorizes 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.

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

Effective upon signature of governor (June 23, 2017).

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