

2018 Regular Session

HOUSE BILL NO. 580

BY REPRESENTATIVE MAGEE

CIVIL/VENUE: Provides for venue of judicial commitment proceedings

1 AN ACT

2 To amend and reenact R.S. 28:54(A), 55(A), and 56(A)(2)(a), relative to judicial
3 commitment; to provide for venue of judicial commitment proceedings; to provide
4 for venue for challenging judicial commitments; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 28:54(A), 55(A), and 56(A)(2)(a) are hereby amended and reenacted
7 to read as follows:

8 §54. Judicial commitment; procedure

9 A. The department or any person of legal age may file with the court a
10 petition which asserts his belief that a person is suffering from mental illness which
11 contributes or causes that person to be a danger to himself or others or to be gravely
12 disabled, or is suffering from a substance-related or addictive disorder which
13 contributes or causes that person to be a danger to himself or others or to be gravely
14 disabled and may thereby request a hearing. The petition may be filed in the judicial
15 district in which the respondent is confined, or ~~if not confined~~, in the judicial district
16 where he resides or may be found. The hearing shall not be transferred to another
17 district ~~except for good cause shown~~. A petitioner who is unable to afford an
18 attorney may seek the assistance of any legal aid society or similar agency if
19 available.

20 * * *

1 §55. Judicial hearings

2 A. At the appointed time, the court shall conduct a hearing on the petition
3 for judicial commitment. ~~Before the hearing, the respondent may move for a change~~
4 ~~of venue to the parish of his domicile, which motion shall be granted only for~~
5 ~~compelling reasons.~~ If the respondent is confined to a hospital, the judge of the court
6 where the petition was filed may hold the hearing on such commitment at the
7 treatment facility where the person is confined, if in the opinion of at least one of the
8 physicians appointed by the court to examine him, it will be detrimental to his health,
9 welfare, or dignity to travel to the court where the petition was filed.

10 * * *

11 §56. Judicial commitment; review; appeals

12 A.

13 * * *

14 (2)(a) The hearing on the petition shall be conducted according to the
15 procedures and standards set forth in R.S. 28:54 and 55, and this Section. The
16 hearing may be held by the district court for the judicial district in which the patient
17 is being confined, or ~~if not confined~~, by the district court for the judicial district
18 where he resides or may be found. The hearing shall not be transferred to another
19 district ~~except for good cause shown~~.

20 * * *

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)]

HB 580 Original

2018 Regular Session

Magee

Abstract: Provides that venue for filing a petition for involuntary commitment and for challenging an involuntary commitment is the district court for the judicial district in which the respondent is confined, resides, or may be found.

Present law allows a petition for commitment to be filed in the judicial district in which the respondent is confined, or if not confined, where the respondent resides or may be found.

Present law allows the hearing on a challenge to a commitment to be heard in the judicial district court in which the respondent is confined, or if not confined, where the respondent resides or may be found.

Present law provides for a change of venue upon a showing of good cause or compelling reasons.

Proposed law retains the present law venue provisions except as follows:

- (1) Does not allow transfer of venue.
- (2) Removes the limitation of filing the petition where the respondent resides or is found only in cases where the respondent is not confined.

(Amends R.S. 28:54(A), 55(A), and 56(A)(2)(a))