

2018 Regular Session

HOUSE BILL NO. 773

BY REPRESENTATIVE LYONS

DOMESTIC ABUSE: Provides relative to a mental health evaluation upon the issuance of a protective order in domestic abuse cases

1 AN ACT

2 To amend and reenact R.S. 46:2136(A)(4), relative to protective orders and consent
3 agreements issued in domestic abuse cases; to provide for a mental health evaluation
4 of an abuser; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:2136(A)(4) is hereby amended and reenacted to read as follows:

7 §2136. Protective orders; content; modification; service

8 A. The court may grant any protective order or approve any consent
9 agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2132,
10 or the threat or danger thereof, to a party, any minor children, or any person alleged
11 to be incompetent, which relief may include but is not limited to:

12 * * *

13 (4)(a) Ordering ~~an additional~~ a medical or mental health ~~opinion regarding~~
14 ~~a medical~~ evaluation of the defendant or the abused person, or both, to be conducted
15 by an independent court-appointed evaluator who qualifies as an expert in the field
16 of domestic abuse. The evaluation shall be conducted by a person who has no
17 family, financial, or prior medical or mental health relationship with the defendant
18 or abused person, or their attorneys of record.

1 (b) If the ~~additional~~ medical or mental health ~~opinion~~ medical evaluation is
2 ordered for both the defendant and abused person, two separate evaluators shall be
3 appointed.

4 (c) After ~~an additional~~ a medical or mental health ~~opinion~~ medical evaluation
5 has been completed and a report issued, the court may order counseling or other
6 medical or mental health treatment as deemed appropriate.

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 773 Engrossed

2018 Regular Session

Lyons

Abstract: When a protective order is issued or the court approves a consent agreement to bring about a cessation of domestic abuse, authorizes the court to order a mental health evaluation of the defendant or the abused person.

Present law provides that a court may grant a protective order or approve a consent agreement to bring about the cessation of domestic abuse. Further provides that when granted the protective order, the court may order a medical opinion regarding a medical evaluation of the defendant or the abused person, or both, to be conducted by an independent court-appointed evaluator.

Proposed law retains present law and further authorizes the court to order a mental health evaluation of the defendant or the abused person subject to the same provisions of present law relative to the medical evaluation.

(Amends R.S. 46:2136(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore present law and remove the proposed law provision that required a protective order or consent agreement to include an order for a psychiatric evaluation and other provisions related thereto.
2. Amend present law relative to the ordering of medical opinions and evaluations to authorize the court to order a medical or mental health evaluation.