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HOUSE FLOOR AMENDMENTS

2018 Regular Session

Amendments proposed by Representative Bacala to Engrossed House Bill No. 898 by
Representative Bacala

1 AMENDMENT NO. 1

2 On page 3, line 1, change "shall" to "shall:" and delete the remainder of the line and delete
3 lines 2 and 3 and insert the following:

4 "(1) Immediately report the threat to a local law enforcement agency
5 if there is a reasonable belief that the threat is credible and imminent.

6 "(2) Immediately report the threat to school administrators for further
7 investigation, in compliance with Subsection C of this Section, if the threat
8 does not meet the standard of reasonable belief provided for in Paragraph (1)
9 of this Subsection."

10 AMENDMENT NO. 2

11 On page 3, at the beginning of line 10, change "C." to "C.(1)"

12 AMENDMENT NO. 3

13 On page 3, line 11, after "terrorism" and before "which" delete "under this Part," and insert
14 "that have been reported to a school administrator,"

15 AMENDMENT NO. 4

16 On page 3, line 13, after "threat," delete the remainder of the line and delete line 14 insert
17 the following:

18 "and all witnesses, and securing any evidence, including but not limited to
19 statements, writings, recordings, electronic messages, and photographs.

20 "(2) If the investigation results in evidence or information that raises
21 a concern that a threat is credible and imminent, the threat shall be
22 immediately reported to a local law enforcement agency."

23 AMENDMENT NO. 5

24 On page 3, at the beginning of line 28, change "A." to "A.(1)"

25 AMENDMENT NO. 6

26 On page 4, at the end of line 3, change "Children's Code Article 1434 et seq." to "this
27 Subsection."

28 AMENDMENT NO. 7

29 On page 4, line 2, after "file" and before "with" insert "a petition"

1 AMENDMENT NO. 8

2 On page 4, between lines 3 and 4, insert the following:

3 "(2)(a) As soon as practical after the filing of the petition, the court
 4 shall review the petition and supporting documents and determine whether
 5 there exists probable cause to believe that the student is a danger to himself
 6 or others.

7 (b) If the court determines that probable cause exists:

8 (i) The court shall assign a time and place not later than seven
 9 calendar days thereafter for a hearing upon the petition and shall cause
 10 reasonable notice thereof to be given to the student, his attorney, and the
 11 petitioner. The notice shall inform the student that he has the right to be
 12 present at the hearing; the right to counsel; if indigent or otherwise qualified,
 13 the right to have counsel appointed to represent him; and the right to cross
 14 examine witnesses testifying at any hearing on such application.

15 (ii) The court may appoint the student's treating physician if available
 16 or, if not, then another physician, preferably a psychiatrist, to examine the
 17 student and make a written report to the court and the student's attorney.

18 (3) An examination order by the court pursuant to this Subsection
 19 shall be conducted as soon as practical, and the examining medical
 20 professional shall report to the court any conclusions reached as a result of
 21 the examination. The physician shall consider whether:

22 (a) The student is suffering from serious mental illness which causes
 23 him to be a danger to himself or others.

24 (b) The student's condition is likely to deteriorate unless he is
 25 provided appropriate medical treatment.

26 (c) The student's condition is likely to improve if he is provided
 27 appropriate medical treatment.

28 (4) The student or his attorney shall have the right to seek an
 29 additional independent medical opinion.

30 (5)(a) If the student refuses to be examined by the court-appointed
 31 physician or if the judge, after reviewing the petition and affidavit and the
 32 report of the treating physician or the court-appointed physician, finds that
 33 the student is a danger to himself or others, that he is mentally ill or suffering
 34 from substance abuse and in need of immediate hospitalization to protect
 35 himself or others from physical harm, or that his condition may be markedly
 36 worsened by delay, the court may issue a court order for custody of the
 37 student, and a peace officer shall deliver him to a treatment facility
 38 designated by the court.

39 (b) If the judge, after reviewing the petition and affidavit or the report
 40 of the treating physician or the court-appointed physician, finds that the
 41 student is not a danger to himself or others and is not in need of immediate
 42 hospitalization to protect himself or others from physical harm, the court may
 43 require that the student continue outpatient mental health treatment as a
 44 condition of the order. Such condition of outpatient mental health treatment
 45 shall be for a finite time that shall not exceed six months."

46 AMENDMENT NO. 9

47 Delete Amendment No. 4 by Representative Pierre on behalf of the Legislative Bureau
 48 (#2647)