

2019 Regular Session

HOUSE BILL NO. 356

BY REPRESENTATIVE HENRY AND SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/JUSTICE: Provides relative to visitation of inmates with serious bodily injuries at certain healthcare facilities

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AN ACT

To amend and reenact R.S. 15:833(A), relative to the department of corrections; to provide relative to inmate contact with persons outside of a correctional institution; to provide that an inmate who sustains serious bodily injury that requires admittance to certain healthcare facilities is entitled to visitation with immediate family members under certain circumstances; to provide relative to the notice provided to the inmate's immediate family with respect to visitation; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:833(A) is hereby amended and reenacted to read as follows:

§833. Inmate contact with persons outside institution; temporary release

A.(1)(~~a~~) The secretary of the Department of Public Safety and Corrections may authorize visits and correspondence under reasonable conditions between inmates and approved friends, relatives, and other persons.

~~(b)(2)(a)~~ If an inmate sustains serious bodily injury requiring admittance to an intensive care unit ~~or trauma center~~, the warden or other governing authority of the correctional facility, jail, or other detention facility shall attempt to notify the inmate's immediate family within eight hours of the medical decision to transport the inmate to the intensive care unit ~~or trauma center~~.

1           ~~(e)(b)(i)~~ Notwithstanding any other provision of law, if an inmate sustains  
2 serious bodily injury requiring admittance to an intensive care unit ~~or trauma center~~,  
3 a member of the inmate's immediate family shall be granted visitation with the  
4 inmate. Visits shall be granted daily for the duration of the inmate's admission to the  
5 intensive care unit ~~or trauma center~~, unless the warden or other governing authority  
6 of the inmate's correctional facility, jail, or other detention facility provides written  
7 notice, within six hours of the inmate's admission to the intensive care unit ~~or trauma~~  
8 ~~center~~, to any immediate family member seeking visitation why such visitation  
9 cannot be granted. Notwithstanding the provisions of this Item to the contrary, if the  
10 inmate's admission to the intensive care unit ~~or trauma center~~ occurs between the  
11 hours of 8:00 p.m. and 4:00 a.m., the correctional or detention facility shall provide  
12 the required written notification within twenty-four hours of the ~~time the serious~~  
13 ~~bodily injury occurred~~ inmate's admission to the intensive care unit.

14           (ii) ~~For purposes of this Paragraph, "serious bodily injury" means bodily~~  
15 ~~injury that involves unconsciousness, extreme physical pain or protracted and~~  
16 ~~obvious disfigurement, or protracted loss or impairment of the function of a bodily~~  
17 ~~member, organ, or mental faculty, or a substantial risk of death~~ The visitation  
18 provided for by this Subparagraph may be supervised.

19           (iii) ~~For purposes of this Paragraph, "immediate family" means a spouse,~~  
20 ~~child, parent, stepparent, sibling, stepsibling, grandchild, or grandparent of the~~  
21 ~~inmate~~ The visitation provided for by this Subparagraph may be revoked if any  
22 immediate family member possesses any item of contraband during the visitation.

23           (iv) ~~The visitation provided for in this Subparagraph may be supervised~~ The  
24 visitation provided for by this Subparagraph shall follow the security policies and  
25 procedures of both the correctional facility where the inmate was incarcerated at the  
26 time he sustained the serious bodily injury and those of the medical facility where  
27 the inmate is being treated.

28           (v) ~~The visitation provided for in this Subparagraph may be revoked if any~~  
29 ~~immediate family member possesses any item of contraband during the visitation.~~

1                    (c) For purposes of this Paragraph:

2                    (i) "Immediate family" means a spouse, child, parent, stepparent, sibling,  
3                    stepsibling, grandchild, or grandparent of the inmate.

4                    (ii) "Serious bodily injury" means bodily injury that involves protracted and  
5                    obvious disfigurement, protracted loss or impairment of the function of a bodily  
6                    member, organ, or mental faculty, or a substantial risk of death.

7                    ~~(2)~~(3) The secretary shall establish and promulgate rules, regulations, and  
8                    procedures regarding the review and inspection of all incoming and outgoing death  
9                    row inmate correspondence in order to effectuate the purposes of Chapter 21-C of  
10                    Title 46 of the Louisiana Revised Statutes of 1950, and to determine whether any  
11                    contractual arrangements governed by those provisions are in effect or being  
12                    contemplated by an inmate or any other person.

13                    \*           \*           \*

14                    Section 2. This Act shall become effective upon signature by the governor or, if not  
15                    signed by the governor, upon expiration of the time for bills to become law without signature  
16                    by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17                    vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18                    effective on the day following such approval.

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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)]

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HB 356 Original                    2019 Regular Session                    Henry

**Abstract:** Provides relative to visits of immediate family members of an inmate who sustains serious bodily injury and is admitted to an intensive care unit.

Present law provides that the secretary of DPS&C may authorize visits and correspondence under reasonable conditions between inmates and approved friends, relatives, and other persons.

Proposed law retains present law.

Present law provides that if an inmate sustains serious bodily injury that requires admittance to an intensive care unit (ICU) or trauma center, the warden or other governing authority of the correctional facility, jail, or other detention facility must attempt to notify the inmate's

immediate family within eight hours of the medical decision to transport the inmate to the ICU or trauma center.

Present law further provides that if an inmate sustains serious bodily injury that requires admittance to an ICU or trauma center, a member of the inmate's immediate family must be granted visitation with the inmate for the duration of the inmate's admission to the ICU or trauma center, unless the warden or other governing authority of the inmate's correctional facility, jail, or other detention facility provides written notice, within six hours of the inmate's admission to the ICU or trauma center, to any immediate family member seeking visitation on why such visitation cannot be granted.

Proposed law removes the references to trauma centers from present law. Further requires visits to be granted daily for the duration of the inmate's admission to the ICU, unless notice is provided to any immediate family member of the inmate as to why such visitation cannot be granted pursuant to present law.

Proposed law provides that the visitation of the inmate's immediate family may be supervised, and may be revoked if any immediate family member possesses any item of contraband during the visitation.

Proposed law further requires the visitation to follow the policies and procedures of both the correctional facility where the inmate was incarcerated at the time he sustained the serious bodily injury and those of the medical facility where he is being treated.

Present law provides for definitions of "immediate family" and "serious bodily injury".

Proposed law retains the present law definition of "immediate family" and amends the present law definition of "serious bodily injury" to read as follows: bodily injury that involves protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

Present law requires the secretary of DPS&C to establish and promulgate rules, regulations, and procedures regarding the review and inspection of all incoming and outgoing death row inmate correspondence.

Proposed law retains present law.

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

(Amends R.S. 15:833(A))