

2019 Regular Session

HOUSE BILL NO. 287

BY REPRESENTATIVE HILL

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

COURTS: Provides relative to the issuance of reasonable notice to the Louisiana Department of Health upon judicial commitment following judicial hearing

1 AN ACT

2 To amend and reenact R.S. 28:55(E)(1) and 454.6(B), relative to the judicial commitment
3 of persons; to require judicial notice upon such commitments during judicial
4 hearings to be given to the Louisiana Department of Health; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 28:55(E)(1) and 454.6(B) are hereby amended and reenacted to read
8 as follows:

9 §55. Judicial hearings

10 * * *

11 E.(1) If the court finds by clear and convincing evidence that the respondent
12 is dangerous to self or others or is gravely disabled, as a result of a substance-related
13 or addictive disorder or mental illness, it shall render a judgment for his
14 commitment. After considering all relevant circumstances, including clinical
15 recommendations and any preference of the respondent or his family, the court shall
16 determine whether the respondent should be committed to a treatment facility which
17 is medically suitable and least restrictive of the respondent's liberty. However, if the
18 placement determined by the court is unavailable, the court may commit the
19 respondent to the Louisiana Department of Health for appropriate placement subject
20 to the availability of department resources until such time as an opening is available

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 287 Engrossed

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Abstract: Requires judicial notice to be given to the Louisiana Department of Health upon judicial commitment of an individual.

Present law provides for the commitment of a person who is dangerous to self or others or is gravely disabled, as a result of a substance-related or addictive disorder or mental illness, to the La. Department of Health (LDH) when a treatment facility is otherwise unavailable; either by petition of LDH or, when LDH is not a party, upon proper stipulation of the parties.

Present law provides for the commitment of a person who has a developmental disability and is either a danger to himself or dangerous to others, to LDH either by petition of LDH or, when LDH is not a party, upon proper stipulation of the parties.

Proposed law provides that upon such commitments under present law, the court shall cause reasonable notice of judgment to be given to LDH.

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

(Amends R.S. 28:55(E)(1) and 454.6(B))