

2019 Regular Session

HOUSE BILL NO. 356

BY REPRESENTATIVE HENRY AND SENATOR MARTINY

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AN ACT

To amend and reenact R.S. 15:833(A)(1)(b) and (c)(i), (ii), and (iii) and to enact R.S. 15:833(A)(1)(c)(vi), 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 medical 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 at the medical facility; to amend the definition of "serious bodily injury"; to amend the definition of "immediate family"; to provide relative to the security procedures and policies of the visitation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:833(A)(1)(b) and (c)(i), (ii), and (iii) is hereby amended and reenacted and R.S. 15:833(A)(1)(c)(vi) is hereby enacted to read as follows:

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

A.(1)

* * *

(b) If an inmate sustains serious bodily injury requiring admittance to an intensive care unit or ~~trauma center~~ a medical facility, the warden or other governing authority of 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~~ a medical facility.

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

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

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. If all persons defined as "immediate family" of the inmate are deceased,
 22 "immediate family" shall also include siblings of the inmate's parents.

23 * * *

24 (vi) The visitation shall follow all security procedures and policies of the
 25 correctional facility, jail, or other detention center and the medical facility where the
 26 inmate is being housed.

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
 29 signed by the governor, upon expiration of the time for bills to become law without signature
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____