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## DIGEST

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HB 206 Original

2024 Regular Session

Villio

**Abstract:** Provides relative to the continued commitment of an insanity acquittee in certain circumstances.

Present law (C.Cr.P. Art. 657) provides for the procedures relative to the release or discharge of a person who has been found not guilty by reason of insanity and committed to a mental institution.

Proposed law retains present law.

Present law further provides that at the contradictory hearing to determine whether the committed person no longer has a mental illness and can be discharged or released on probation without danger to others or himself, the burden shall be upon the state to seek continuance of the confinement by proving by clear and convincing evidence that the committed person currently has a mental illness and is dangerous.

Proposed law retains present law, but provides an exception for proposed law (C.Cr.P. Art. 657.3).

Proposed law (C.Cr.P. Art. 657.3) provides that the state may seek continued commitment of an insanity acquittee based upon the insanity acquittee's continued dangerousness even if the insanity acquittee does not have a mental illness as defined by present law (R.S. 28:2), if both of the following conditions are satisfied:

- (1) The insanity acquittee was found not guilty by reason of insanity for any of the following offenses or attempts to commit any of them:
  - (a) Any crime punishable by death or by life imprisonment.
  - (b) Any crime that is both a crime of violence as defined by present law (R.S. 14:2(B)) and a sex offense as defined by present law (R.S. 15:541).
  - (c) Any crime of violence as defined by present law (R.S. 14:2(B)) punishable by a maximum sentence of 20 years imprisonment or more.
- (2) The state proves by clear and convincing evidence that the insanity acquittee is dangerous to others or dangerous to himself as defined by present law (R.S. 28:2). Further provides that in satisfying its burden of proof, the state may not rely solely upon the nature of the crime for which the insanity acquittee was found not guilty by reason of insanity and may not rely

solely upon the diagnosis of any personality disorder.

Proposed law provides that upon satisfaction of the criteria for commitment provided in proposed law, the court shall order the insanity acquittee to be held in continued commitment for a period not to exceed one year. Further provides that such period may be extended in one year increments upon motion of the district attorney and proof that the insanity acquittee still satisfies the criteria for commitment under proposed law .

Proposed law shall not be construed as abrogating or negating any other provision of present law or any other provision of law relative to the commitment of insanity acquittees or relative to conditional release for insanity acquittees.

(Amends C.Cr.P. Art. 657; Adds C.Cr.P. Art. 657.3)