

2024 Regular Session

HOUSE BILL NO. 338

BY REPRESENTATIVE MUSCARELLO

CORRECTIONS/PRISONERS: Provides relative to mental health of inmates

1 AN ACT

2 To enact R.S. 15:830.3, relative to the mental health of inmates; to provide for a pilot
3 program; to provide for the duties of the Department of Public Safety and
4 Corrections; to provide for the adoption of rules; to provide for eligibility criteria;
5 to provide for a report; to provide for a definition; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:830.3 is hereby enacted to read as follows:

8 §830.3. Mental health transition pilot program; contracted entities; inmate
9 eligibility; rules; study; report; definition

10 A. The Department of Public Safety and Corrections shall establish the
11 mental health transition pilot program to provide eligible inmates with transition
12 services in the community. An inmate who participates in the program may not be
13 released before the inmate's earliest release date. The department shall administer
14 the program and contract with private or nonprofit entities to provide eligible
15 inmates with mental health transition services and shall procure mental health
16 transition services as provided in R.S. 15:830. The department may refer an inmate
17 who has a mental health condition to be placed in the mental health transition pilot
18 program. The department shall place up to five hundred eligible inmates in the
19 mental health transition pilot program each fiscal year.

1 B. The secretary shall adopt rules to implement the provisions of this
2 Section. The rules shall include all of the following:

3 (1) The eligibility criteria for an inmate to receive a contracted entity's
4 mental health transition services. To be eligible, at a minimum, an inmate shall meet
5 both of the following requirements:

6 (a) Agree in writing to provide specific information. The department shall
7 use the information to prepare the report pursuant to Subsection (D)(3) of this
8 Section.

9 (b) Be diagnosed as seriously mentally ill and, on release, be eligible for
10 health care benefits.

11 (2) The requirement that an eligible inmate be offered services, which may
12 include health care assistance to obtain health care services, case management,
13 housing, psychiatric management, drug testing that includes a DNA match to the
14 person, the level of any prescription drugs, and transportation.

15 (3) The requirement that each eligible inmate receive services in the program
16 for at least ninety days.

17 C. In awarding contracts under this Section, the department shall comply
18 with the provisions set forth in R.S. 38:2211 et seq.

19 D. The department shall do all of the following:

20 (1) Conduct an annual study to determine the recidivism rates of inmates
21 who receive a contracted entity's mental health transition services pursuant to this
22 Section. The study shall include the recidivism rates of inmates who have been
23 released from incarceration for a minimum of two years after release.

24 (2) Evaluate each inmate and provide the information to the contracted
25 entity.

26 (3) On or before December thirty-first of each year, submit a written report
27 to the governor, the president of the Senate, the speaker of the House of
28 Representatives, and the Joint Legislative Committee on the Budget and provide a

1 copy of this report to the secretary of state. The report may be submitted
2 electronically and shall contain the following information:

3 (a) The one-year, two-year, and three-year rates of return to the department's
4 custody for an inmate who received services in the program compared to a released
5 inmate with a serious mentally ill diagnosis who did not receive services in the
6 program during the same period.

7 (b) The number of inmates who participated in the program at any point
8 during the previous fiscal year.

9 (c) The number of inmates who completed ninety days of services in the
10 program during the previous fiscal year.

11 (d) The number of inmates who were still enrolled in the program on the last
12 day of the previous fiscal year.

13 (e) The number of inmates who were unsuccessfully discharged from the
14 program during the previous fiscal year.

15 (f) The number of inmates who were successfully connected to health care
16 benefits during the previous fiscal year as evidenced by the inmate both completing
17 an intake for services and using those services throughout the ninety-day period or
18 through the end of the fiscal year, whichever occurs first.

19 (g) Of the inmates who participated in the program at any point during the
20 previous fiscal year, the number of inmates who used mental health services,
21 substance abuse services, psychiatric management services, case management
22 services, and transportation or housing services, or both.

23 (4) Provide information about the mental health transition pilot program to
24 each inmate who has a mental health condition or mental health co-occurring
25 condition and who is not serving a life sentence upon admission to prison and to each
26 inmate who is potentially eligible for the mental health transition pilot program nine
27 months before the inmate's earliest release date. The information shall include all
28 of the admission requirements to the mental health transition pilot program and the
29 eligibility criteria under this Section.

- 1 E. For the purposes of this Section, "recidivism" means reincarceration
2 within the department for any reason.

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 338 Original

2024 Regular Session

Muscarello

Abstract: Establishes the mental health transition pilot program within DPS&C.

Proposed law provides that the DPS&C shall establish the mental health transition pilot program to provide eligible inmates with transition services in the community. Further provides that an inmate who participates in the program may not be released before the inmate's earliest release date.

Proposed law provides that the department shall administer the program and contract with private or nonprofit entities to provide eligible inmates with mental health transition services and shall procure mental health transition services as provided in present law (R.S. 15:830).

Proposed law provides that the department may refer an inmate who has a mental health condition to be placed in the mental health transition pilot program. Further provides that the department shall place up to 500 eligible inmates in the mental health transition pilot program each fiscal year.

Proposed law provides that the secretary shall adopt rules to implement the provisions of proposed law as follows:

- (1) The eligibility criteria for an inmate to receive a contracted entity's mental health transition services. To be eligible, at a minimum, an inmate shall meet both of the following requirements:
 - (a) Agree in writing to provide specific information. The department shall use the information to prepare the report pursuant to proposed law.
 - (b) Be diagnosed as seriously mentally ill and, on release, be eligible for health care benefits.
- (2) The requirement that an eligible inmate be offered services, which may include health care assistance to obtain health care services, case management, housing, psychiatric management, drug testing that includes a DNA match to the person, and the level of any prescription drugs and transportation.
- (3) The requirement that each eligible inmate receive services in the program for at least 90 days.

Proposed law provides that in awarding contracts under proposed law, the department shall comply with the provisions set forth in present law (R.S. 38:2211 et seq.).

Proposed law provides that the department shall do all of the following:

- (1) Conduct an annual study to determine the recidivism rates of inmates who receive a contracted entity's mental health transition services pursuant to proposed law. The

study shall include the recidivism rates of inmates who have been released from incarceration for a minimum of two years after release.

- (2) Evaluate each inmate and provide the information to the contracted entity.
- (3) On or before Dec. 31st of each year, submit a written report to the governor, the president of the Senate, the speaker of the House of Representatives, and the Joint Legislative Committee on the Budget and provide a copy of this report to the secretary of state. The report may be submitted electronically and shall contain the following information:
 - (a) The one-year, two-year, and three-year rates of return to the department's custody for an inmate who received services in the program compared to a released inmate with a serious mentally ill diagnosis who did not receive services in the program during the same period.
 - (b) The number of inmates who participated in the program at any point during the previous fiscal year.
 - (c) The number of inmates who completed 90 days of services in the program during the previous fiscal year.
 - (d) The number of inmates who were still enrolled in the program on the last day of the previous fiscal year.
 - (e) The number of inmates who were unsuccessfully discharged from the program during the previous fiscal year.
 - (f) The number of inmates who were successfully connected to health care benefits during the previous fiscal year as evidenced by the inmate both completing an intake for services and using those services throughout the 90-day period or through the end of the fiscal year, whichever occurs first.
 - (g) Of the inmates who participated in the program at any point during the previous fiscal year, the number of inmates who used mental health services, substance abuse services, psychiatric management services, case management services, and transportation or housing services, or both.
- (4) Provide information about the mental health transition pilot program to each inmate who has a mental health condition or mental health co-occurring condition and who is not serving a life sentence upon admission to prison and to each inmate who is potentially eligible for the mental health transition pilot program nine months before the inmate's earliest release date. The information shall include all of the admission requirements to the mental health transition pilot program and the eligibility criteria under proposed law.

Proposed law defines "recidivism" as reincarceration within the department for any reason.

(Adds R.S. 15:830.3)