
The original instrument was prepared by Mary Dozier O'Brien. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

Broome (SB 71)

Proposed law authorizes mental health court treatment programs in Louisiana. Provides findings relative to the impact of mental illness and substance abuse issues on the criminal justice system.

Proposed law provides definitions for terms related to mental health court treatment programs, including mental health court program, mental health court professional, both pre- and post-adjudicatory mental health court programs, combination programs, and co-occurring mental illness and substance abuse issues.

Proposed law provides relative to authorization for creation and funding of mental health court treatment programs. Further provides for eligibility for mental health court programs.

Proposed law provides criteria for exclusion from mental health court programs, including enumerated crimes which require such exclusion:

- (1) First or second degree murder.
- (2) Aggravated or criminal sexual assault (including sexual assault of a child).
- (3) Armed robbery.
- (4) Arson.
- (5) Stalking.
- (6) Any crime of violence involving discharge of a firearm.

Proposed law provides procedures to be utilized in operating a mental health court treatment program, including a regimen of graduated requirements, rewards, and sanctions.

Proposed law provides for mental health court treatment programs to maintain or collaborate with a network of programs which deal with mental illness and co-occurring mental illness and substance abuse issues. Further provides that the mental health court program may designate a court liaison to monitor the progress of defendants in their assigned treatment programs on behalf of the court.

Effective August 1, 2013.

(Adds R.S. 13:5351-5358)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Authorizes judicial districts to provide funding for any expenses related to the administration and operation of such a mental health court treatment program.
2. Removes the 120-day maximum time limit on the court-ordered treatment program.
3. Provides that the mental health court program may designate a court liaison to monitor the progress of defendants in their assigned treatment programs on behalf of the court.

Senate Floor Amendments to engrossed bill

1. Make technical changes.
2. Remove the requirement that a mental health professional be "licensed" and requires that such mental health professional be "qualified" when admitting a criminal defendant to a mental health court program.
3. Delete provisions authorizing a defendant's right to a hearing and the right to present evidence supporting his continued participation in the program at such hearing if that defendant has been dismissed from the program.