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DIGEST

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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, post-adjudicatory mental health court programs, and co-occurring mental illness and substance abuse issues.

Proposed law authorizes each judicial district, by rule, to create 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.

Proposed law provides that when appropriate, the imposition of execution of sentence shall be postponed and the defendant placed on probation for the duration of the program. At the conclusion of the period of probation, the district attorney, on advice of the person providing the probationer's treatment and the probation officer, may recommend that (1) the probationer's probation be revoked and the probationer be sentenced if the probationer has not successfully completed the treatment or violated probation (2) probation be extended or (3) the conviction be set aside and the prosecution dismissed if the probationer successfully completed the program.

Proposed law provides that if the defendant violates any of the conditions of his probation and treatment or appears to be performing unsatisfactorily, the district attorney may move the court to dismiss the defendant from the program. If the court grants the motion, the reasons for the dismissal shall be provided to the defendant.

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.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill.

1. Deleted definitions of "combination mental health court program" and "pre-adjudicatory mental health court program".
2. Deleted provisions authorizing the chief judge of each judicial district to establish a mental health court program, and added provisions allowing each district court to do so by rule.
3. Added provision authorizing placing a defendant on probation while participating in the treatment program and the resulting sentencing options following that placement on probation.
4. Added provision to allow the district attorney to file a motion to have the defendant dismissed from the program and to require the district attorney to provide reasons for the dismissal.