

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 114 By Senator Martiny**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

CORONERS. Provides for orders for protective custody and for authorizing involuntary outpatient treatment. (8/1/13)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds provision that any interested person through counsel with written concurrence of the coroner may also file a petition for an order authorizing involuntary outpatient treatment..
2. Adds provisions concerning notice to order involuntary outpatient treatment if the respondent is interdicted.
3. Technical amendments.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law authorizes any parish coroner or judge of a court of competent jurisdiction to order a person to be taken into protective custody and transported to a treatment facility or to the office of the coroner for immediate examination when a peace officer or other credible person executes a statement under private signature specifying that, to the best of his knowledge and belief and personal observations, the person is mentally ill or suffering from substance abuse and is in need of immediate treatment to protect the person or others from physical harm.

Proposed law retains these provisions in present law and further authorizes a statement to be made by video conferencing in Jefferson Parish between an affiant who is present at a law enforcement agency physically located in Kenner, Jean Lafitte, or Grand Isle and the Jefferson Parish coroner's office. Provides that if the affiant is credible, then requires qualified staff of the coroner's office to complete the order for protective custody form and fax it to the law enforcement agency. Requires that if the statement meets with affiant's approval, then requires that the affiant sign the statement and that the signature be witnessed on video and by a peace officer and immediately faxed to the coroner's office for his signature and the original signed form sent to the coroner's office.

Present law provides that a petition to obtain an order authorizing involuntary outpatient treatment may be initiated by certain persons. Proposed law provides that the petition may also be initiated by any interested person through counsel with written concurrence of the coroner in the jurisdiction in which the person is found.

Present law requires the court to assign a time and place for a hearing to determine whether to authorize involuntary outpatient treatment, which may be conducted before any judge in the judicial district, within five days, and that reasonable notice and a copy of the petition to be served upon the respondent, respondent's attorney, the petitioner and the director of the human service district or the regional manager of the Department of Health and Hospitals, office of behavioral health, in the parish where the petition has been filed. Requires that the notice inform respondent of his right to be present, right to counsel, which may be appointed if he is indigent, right to counsel appointed by the Mental Health Advocacy Service, and a right to cross examine witnesses.

Proposed law adds provisions that if the respondent is interdicted, notice of the hearing and a copy of the petition shall be served upon the curator for the interdict and the attorney who represented the interdict in the interdict proceedings.

Effective August 1, 2013.

(Amends R.S. 28:69(A); adds R.S. 28:53.3 and 67.4)

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