

SENATE BILL NO. 114

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 28:69(A) and to enact R.S. 28:53.3 and 67(4), relative to coroners; to provide relative to protective custody orders executed in Jefferson Parish by video conferencing; to require the signature of the affiant to be witnessed on the video; to authorize certain persons with concurrence of the coroner to petition the court for an order authorizing involuntary outpatient treatment of certain patients; to provide for service of such petitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:69(A) is hereby amended and reenacted and R.S. 28:53.3 and 67(4) are hereby enacted to read as follows:

§53.3. Order for custody; grounds; teleconference; Jefferson Parish

When a peace officer or other credible person executes a statement made to the best of his knowledge, belief, and personal observations from any law enforcement agency physically located in the city of Kenner or the towns of Jean Lafitte or Grand Isle pursuant to R.S. 28:53.2, the statement may be made by video conference between the peace officer or other credible person and the Jefferson Parish coroner's office. If the affiant is credible, qualified staff of the

1 coroner's office shall complete an order for protective custody form based on
 2 information obtained in the video interview and immediately fax the form to the
 3 appropriate law enforcement agency. If the statement meets with the affiant's
 4 approval, the affiant shall sign the statement. The signature of the affiant shall
 5 be witnessed on the video and by a peace officer and immediately faxed to the
 6 coroner's office for the coroner's signature. Thereafter, the original signed
 7 form shall be sent to the Jefferson Parish coroner's office.

8 * * *

9 §67. Petition to the court

10 A petition for an order authorizing involuntary outpatient treatment may be
 11 filed in the judicial district in the parish in which the patient is present or reasonably
 12 believed to be present. A petition to obtain an order authorizing involuntary
 13 outpatient treatment may be initiated by one of the following persons:

14 * * *

15 (4) Any interested person through counsel with written concurrence of
 16 the coroner in the jurisdiction in which the person is found.

17 * * *

18 §69. Procedure

19 A.(1) Upon the filing of the petition authorized by R.S. 28:67, the court
 20 shall assign a time and place for a hearing, which may be conducted before any judge
 21 in the judicial district, within five days, and shall cause reasonable notice thereof and
 22 a copy of the petition to be served upon the respondent, respondent's attorney, the
 23 petitioner and the director of the human service district or the regional manager of
 24 the Department of Health and Hospitals, office of behavioral health, in the parish
 25 where the petition has been filed. The notice shall inform the respondent that he has
 26 a right to be present, a right to counsel, which may be appointed, if he is indigent or
 27 otherwise qualified, has the right to counsel appointed to represent him by the Mental
 28 Health Advocacy Service, and a right to cross examine witnesses. Continuances
 29 shall be granted only for good cause shown.

30 (2) In addition to those persons entitled to notice pursuant to Paragraph

1 (1) of this Subsection, if the respondent is interdicted, notice of the hearing and
2 a copy of the petition shall be served upon the curator for the interdict and the
3 attorney who represented the interdict in the interdict proceedings.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____