

New 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.

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.

Authorizes each judicial district, by rule, to create mental health court treatment programs. Further provides for eligibility for mental health court programs.

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.

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

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.

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.

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)