

Regular Session, 2014

HOUSE BILL NO. 517

BY REPRESENTATIVES HUVAL AND HAZEL

COURTS: Provides for the reporting of information relative to certain orders involving mental illness

1 AN ACT

2 To enact R.S. 13:754 and 5358(C)(3), relative to district courts; to require each district clerk
3 of court to report certain information relative to persons with mental illness to the
4 Louisiana Supreme Court; to require the Louisiana Supreme Court to report certain
5 information to the National Crime Information Center; to provide for limitation of
6 liability; to provide for reporting deadlines; to provide for removal of identifying
7 information from certain databases; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:754 and 5358(C)(3) are hereby enacted to read as follows:

10 §754. Reporting of information to Louisiana Supreme Court for NICS database;
11 mental illness

12 A. Effective January 1, 2015, the clerk of court of each district shall report
13 to the Louisiana Supreme Court, the name and other identifying information of any
14 adult who is issued a court order doing any of the following:

15 (1) Ordering a person who has pled guilty to or who was convicted of a
16 crime listed in R.S. 14:95.1(A) and was ordered to receive a mental health evaluation
17 or to receive treatment for mental illness.

18 (2) Ordering the conditional release of a person who received a verdict of
19 acquittal of a crime listed in R.S. 14:95.1(A) by reason of insanity pursuant to the
20 provisions of Chapter 2 of Title XXI of the Code of Criminal Procedure.

1 (3) A court determination that a person does not have the mental capacity to
2 proceed with a criminal trial for a crime listed in R.S. 14:95.1(A) pursuant to the
3 provisions of Chapter 1 of Title XXI of the Code of Criminal Procedure.

4 (4) A court order requiring that a person be involuntarily committed to an
5 inpatient mental health treatment facility pursuant to R.S. 28:54.

6 B. The report shall be submitted to the Louisiana Supreme Court, in the
7 manner and form as directed by the supreme court, within ten business days of the
8 date of conviction, adjudication, or order of involuntary commitment.

9 C. The Louisiana Supreme Court shall, within fifteen business days of
10 receipt of the report, submit the information in the report to the National Instant
11 Criminal Background Check System database.

12 D. Except in the case of willful or wanton misconduct or gross negligence,
13 no district clerk of court shall be held civilly or criminally liable on the basis of the
14 accuracy, availability, or unavailability of any information reported or required to be
15 reported pursuant to this Section.

16 E. Notwithstanding any provision of law to the contrary, no person shall be
17 prohibited from petitioning the court for a judgment to revise or remove a person's
18 record in any information database that the Louisiana Supreme Court makes
19 available to the National Instant Criminal Background Check System.

20 * * *

21 §5358. Violation; sanctions; dismissal; discharge of criminal charges

22 * * *

23 C.

24 * * *

25 (3) The mental health court shall be subject to the reporting requirements
26 pursuant to R.S. 13:754, in the event that the person is dismissed from the program
27 and then pleads guilty or is convicted of the crime for which he was admitted into
28 the mental health program.

29 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Huval

HB No. 517

Abstract: Requires the reporting of certain information relative to persons with mental illness by each district clerk of court and the La. Supreme Court.

Proposed law requires each district clerk of court to report to the La. Supreme Court the name and other identifying information of any adult who is issued a court order doing one of the following:

- (1) Ordering a person who pled guilty to or who was convicted of a crime of violence to receive a mental health evaluation or to receive treatment for mental illness.
- (2) Ordering the conditional release of a person who received a verdict of acquittal of a crime of violence by reason of insanity.
- (3) A court determination that a person does not have the mental capacity to proceed with a criminal trial for certain crimes.
- (4) A court order requiring that a person be involuntarily committed to an inpatient mental health treatment facility.

Proposed law requires the report to be submitted to the La. Supreme Court within ten business days of the date of conviction, adjudication, or order of involuntary commitment and in the manner and form as directed by the supreme court.

Proposed law requires the supreme court to submit the information in the report to the National Instant Criminal Background Check System database within 15 business days of receipt.

Proposed law prohibits any district clerk of court from being held civilly or criminally liable on the basis of the accuracy, availability, or unavailability of any information reported or required to be reported, except in the case of willful or wanton misconduct or gross negligence.

Proposed law requires each mental health court to adhere to the proposed law reporting requirements in the event that the person is dismissed from the program and then pleads guilty or is convicted of the crime for which he was admitted.

Proposed law authorizes a person to petition the court for a judgment to revise or remove a record in any information database that the La. Supreme Court makes available to the National Instant Criminal Background Check System.

(Adds R.S. 13:754 and 5358(C)(3))