

2018 Regular Session

SENATE BILL NO. 49

BY SENATOR MORRELL

CORRECTIONAL FACILITIES. Provides for family member visitation with offenders who have sustained serious injuries while in custody. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:833(A)(1), relative to inmate contact with persons outside of

3 a correctional institution; to provide that an inmate who has sustained serious bodily

4 injury is entitled to visitation with immediate family members under certain

5 circumstances; to provide definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:833(A)(1) is hereby amended and reenacted to read as follows:

8 §833. Inmate contact with persons outside institution; temporary release

9 A.(1)(a) The secretary of the Department of Public Safety and Corrections

10 may authorize visits and correspondence under reasonable conditions between

11 inmates and approved friends, relatives, and other persons.

12 **(b)(i) Notwithstanding any other provision of law, if an inmate sustains**

13 **serious bodily injury requiring admittance to an intensive care unit or trauma**

14 **center, members of the inmate's immediate family shall be granted visitation**

15 **with the inmate for the duration of the inmate's admission to the intensive care**

16 **unit or trauma center, unless the warden or other governing authority of the**

17 **inmate's correctional facility, jail, or other detention facility provides written**

1 notice, within six hours of the inmate's admission to the intensive care unit or
2 trauma center, to any immediate family member seeking visitation why such
3 visitation cannot be granted.

4 (ii) For purposes of this Subparagraph, "serious bodily injury" means
5 bodily injury that involves unconsciousness, extreme physical pain or
6 protracted and obvious disfigurement, or protracted loss or impairment of the
7 function of a bodily member, organ, or mental faculty, or a substantial risk of
8 death.

9 (iii) For purposes of this Subparagraph, "immediate family" means a
10 spouse, child, parent, stepparent, sibling, stepsibling, grandchild, or
11 grandparent of the inmate.

12 * * *

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 49 Engrossed

2018 Regular Session

Morrell

Present law provides that the secretary of the Dept. of Public Safety and Corrections may authorize visits and correspondence under reasonable conditions between inmates and approved friends, relatives, and other persons.

Proposed law retains present law and adds that, notwithstanding any provision of present law, if an inmate sustains serious bodily injury requiring admittance to an intensive care unit or trauma center, members of the inmate's immediate family must be granted visitation with the inmate for the duration of the inmate's admission to the intensive care unit or trauma center unless the warden or other governing authority of the inmate's correctional facility, jail, or other detention facility provides written notice, within six hours of the inmate's admission to the intensive care unit or trauma center, to any immediate family member seeking visitation why such visitation cannot be granted.

Proposed law defines "serious bodily injury" as bodily injury that involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

Proposed law defines "immediate family" as a spouse, child, parent, stepparent, sibling, stepsibling, grandchild, or grandparent of the inmate.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:833(A)(1))