
DIGEST

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HB 773 Original

2018 Regular Session

Lyons

Abstract: Requires that a protective order issued in a domestic abuse case include an order for the psychiatric evaluation of the defendant.

Present law provides that a court may grant a protective order or approve a consent agreement to bring about the cessation of domestic abuse. Further provides that when granted the protective order, the court may order a medical opinion regarding a medical evaluation of the defendant or the abused person, or both, to be conducted by an independent court-appointed evaluator.

Proposed law provides that a protective order or consent agreement shall include an order for a psychiatric evaluation of the defendant to be conducted by a human services district or authority or other provider approved by the court. Failure to seek the psychiatric evaluation may cause the defendant to be held in contempt of court. Provides that the court may use the results of the psychiatric evaluation to determine whether to order further mental evaluation of the defendant.

Present law provides that the perpetrator of domestic violence pay all court costs, attorney fees, costs of enforcement and modifications proceedings, costs of appeals, evaluation fees, medical costs, and expert witness fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance. Proposed law further requires the perpetrator to pay all costs associated with the psychiatric evaluation required by proposed law.

(Amends R.S. 46:2136(A) and 2136.1(A))