
DIGEST

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HB 773 Reengrossed

2018 Regular Session

Lyons

Abstract: When a protective order is issued or the court approves a consent agreement to bring about a cessation of domestic abuse, authorizes the court to order a mental health evaluation of the perpetrator.

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 removes the courts authority to order a medical opinion regarding a medical evaluation of the abused person.

Proposed law authorizes the court to order a mental health evaluation of the perpetrator subject to the same provisions of present law relative to the medical evaluation.

(Amends R.S. 46:2136(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore present law and remove the proposed law provision that required a protective order or consent agreement to include an order for a psychiatric evaluation and other provisions related thereto.
2. Amend present law relative to the ordering of medical opinions and evaluations to authorize the court to order a medical or mental health evaluation.

The House Floor Amendments to the engrossed bill:

1. Remove the authority of the court to order a medical or mental health evaluation or counseling of the abused person.
2. Change the word "defendant" to "perpetrator" throughout.