HLS 19RS-821 ENGROSSED

2019 Regular Session

HOUSE BILL NO. 287

BY REPRESENTATIVE HILL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS: Provides relative to the issuance of reasonable notice to the Louisiana Department of Health upon judicial commitment following judicial hearing

1 AN ACT

To amend and reenact R.S. 28:55(E)(1) and 454.6(B), relative to the judicial commitment of persons; to require judicial notice upon such commitments during judicial

hearings to be given to the Louisiana Department of Health; and to provide for

5 related matters.

Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 28:55(E)(1) and 454.6(B) are hereby amended and reenacted to read

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9 §55. Judicial hearings

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E.(1) If the court finds by clear and convincing evidence that the respondent is dangerous to self or others or is gravely disabled, as a result of a substance-related or addictive disorder or mental illness, it shall render a judgment for his commitment. After considering all relevant circumstances, including clinical recommendations and any preference of the respondent or his family, the court shall determine whether the respondent should be committed to a treatment facility which is medically suitable and least restrictive of the respondent's liberty. However, if the placement determined by the court is unavailable, the court may commit the respondent to the Louisiana Department of Health for appropriate placement subject to the availability of department resources until such time as an opening is available

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

for transfer to the treatment facility determined by the court. If the department is not the petitioner, the parties shall first consult with the department or its counsel before entering into a judgment stipulating a commitment of the respondent to the department. When the judgment results in a commitment of the respondent to the department, either ordered by the court or through stipulation of the parties, the court shall cause reasonable notice of the judgment thereof to be delivered to the department.

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§454.6. Judicial hearings; commitments

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B. If the court finds by clear and convincing evidence that the respondent has a developmental disability and is either dangerous to himself or dangerous to others, it may render a judgment for his commitment. Courts committing persons to the custody of the department shall not make such commitments to specific private or public facilities but shall only commit such individuals to the department. If the department is not the petitioner, the parties shall first consult with the department or its counsel before entering into a judgment stipulating to a commitment of the respondent to the department. When the judgment results in a commitment of the respondent to the department, either ordered by the court or through stipulation of the parties, the court shall cause reasonable notice of the judgment thereof to be delivered to the department.

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

## **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)]

HB 287 Engrossed

2019 Regular Session

Hill

**Abstract:** Requires judicial notice to be given to the Louisiana Department of Health upon judicial commitment of an individual.

<u>Present law</u> provides for the commitment of a person who is dangerous to self or others or is gravely disabled, as a result of a substance-related or addictive disorder or mental illness, to the La. Department of Health (LDH) when a treatment facility is otherwise unavailable; either by petition of LDH or, when LDH is not a party, upon proper stipulation of the parties.

<u>Present law</u> provides for the commitment of a person who has a developmental disability and is either a danger to himself or dangerous to others, to LDH either by petition of LDH or, when LDH is not a party, upon proper stipulation of the parties.

<u>Proposed law</u> provides that upon such commitments under <u>present law</u>, the court shall cause reasonable notice of judgment to be given to LDH.

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

(Amends R.S. 28:55(E)(1) and 454.6(B))