2019 Regular Session

HOUSE BILL NO. 287

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BY REPRESENTATIVE HILL

1 AN ACT 2 To amend and reenact R.S. 28:55(E)(1) and 454.6(B), relative to the judicial commitment 3 of persons; to require judicial notice upon such commitments during judicial 4 hearings to be given to the Louisiana Department of Health; and to provide for 5 related matters. 6 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 8 as follows: 9 §55. Judicial hearings

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 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

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1 department, either ordered by the court or through stipulation of the parties, the court 2 shall cause reasonable notice of the judgment thereof to be delivered to the 3 department. 4 5 §454.6. Judicial hearings; commitments 6 7 B. If the court finds by clear and convincing evidence that the respondent has 8 a developmental disability and is either dangerous to himself or dangerous to others, 9 it may render a judgment for his commitment. Courts committing persons to the 10 custody of the department shall not make such commitments to specific private or 11 public facilities but shall only commit such individuals to the department. If the 12 department is not the petitioner, the parties shall first consult with the department or 13 its counsel before entering into a judgment stipulating to a commitment of the 14 respondent to the department. When the judgment results in a commitment of the 15 respondent to the department, either ordered by the court or through stipulation of 16 the parties, the court shall cause reasonable notice of the judgment thereof to be 17 delivered to the department. 18 19 Section 2. This Act shall become effective upon signature by the governor or, if not 20 signed by the governor, upon expiration of the time for bills to become law without signature 21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 22 vetoed by the governor and subsequently approved by the legislature, this Act shall become 23 effective on the day following such approval. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA APPROVED: __

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