

# ACT No. 214

2023 Regular Session

HOUSE BILL NO. 55

BY REPRESENTATIVES SELDERS, BOYD, BRASS, BRYANT, WILFORD CARTER, CORMIER, COX, FISHER, GLOVER, JENKINS, KNOX, LAFLEUR, LANDRY, LARVADAIN, LYONS, MCFARLAND, MOORE, SCHLEGEL, AND WILLARD

1 AN ACT

2 To amend and reenact R.S. 15:830(A), (B), and (C) and to enact R.S. 15:830(D) and (E),  
3 relative to the mental health treatment of incarcerated persons; to provide for  
4 legislative intent; to provide relative to the duties of the Department of Public Safety  
5 and Corrections; to provide for training; to provide for treatment goals; to provide  
6 for discharge plans; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:830(A), (B), and (C) are hereby amended and reenacted and R.S.  
9 15:830(D) and (E) are hereby enacted to read as follows:

10 §830. Treatment of inmates with mental illness or intellectual disability

11 A. This Section shall be cited and referred to as "The Mental Healing Justice  
12 for Incarcerated People Act".

13 B. It is the intent of the legislature that the state of Louisiana shall allocate  
14 state funding for the "Mental Healing Justice for Incarcerated People Act" to ensure  
15 both the access and delivery of quality care for individuals incarcerated within the  
16 Department of Public Safety and Corrections. The legislature also finds that access  
17 to high-quality mental health services, regardless of the setting, is of importance. The  
18 state wholly supports efforts to assist incarcerated individuals suffering from severe  
19 and persistent mental illnesses in their efforts to navigate incarceration and reentry  
20 into society.

21 ~~A. C.(1)~~ The department ~~may~~ shall establish resources and programs for the  
22 treatment of inmates with a mental illness or an intellectual disability; either in a  
23 separate facility or as part of other institutions or facilities of the department.

1           (2)(a) Subject to appropriation by the legislature and the availability of  
2           resources, the department shall provide screening to persons entering state prison  
3           facilities, upon intake, for mental health disorders as defined in the current edition  
4           of the Diagnostic and Statistical Manual of Mental Disorders published by the  
5           American Psychiatric Association.

6           (b) At any point during the person's incarceration, any department staff  
7           member who suspects that an incarcerated person may have a mental illness may  
8           refer that person to the facility's mental health department.

9           (3) Subject to appropriation by the legislature and the availability of  
10          resources, the department shall provide Mental Health First Aid training to  
11          employees on an annual basis.

12          (4) The department may utilize trained peer support who have shared lived  
13          experiences to augment and enhance mental health services.

14          (5) To the extent feasible and subject to the availability of department and  
15          community resources, the department, prior to the release of an incarcerated person,  
16          shall provide an incarcerated person who has been diagnosed with a serious mental  
17          illness an appointment or walk-in instructions for a community mental health  
18          provider to ensure continuity of care.

19          ~~B.D.~~ On the recommendation of appropriate medical personnel and with the  
20          consent of the Louisiana Department of Health or other appropriate department, the  
21          secretary of the Department of Public Safety and Corrections may transfer an inmate  
22          for observation and diagnosis to the Louisiana Department of Health or other  
23          appropriate department or institution for a period not to exceed the length of his  
24          sentence. If the inmate is found to be subject to civil commitment for psychosis or  
25          other mental illness or intellectual disability, the secretary of the Department of  
26          Public Safety and Corrections shall initiate legal proceedings for such commitment.  
27          If the inmate is not represented by counsel at such legal proceedings, the court shall  
28          appoint an attorney to represent him. Reasonable attorney fees shall be fixed by the  
29          judge and shall be paid by the state. While the inmate is in such other institution his  
30          sentence shall continue to run.

1                    €: E. When, in the judgment of the administrator of the institution to which  
2                    an inmate has been transferred, he has recovered from the condition which  
3                    occasioned the transfer, he shall be returned to the department, unless his sentence  
4                    has expired.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_