HLS 18RS-3148 ENGROSSED

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 54

BY REPRESENTATIVE JACKSON

CRIMINAL/MENTAL CAPACITY: Urge and request the Louisiana Department of Health and other parties to study jointly the language in the Louisiana Code of Criminal Procedure Article 648

1	A CONCURRENT RESOLUTION
2	To urge and request the Louisiana Department of Health, the Louisiana District Judges
3	Association, Louisiana District Attorneys Association, Louisiana Public Defender
4	Board, Advocacy Center, Louisiana Mental Health Advocacy Service, and other
5	parties as may be determined, to study jointly the language of the Louisiana Code of
6	Criminal Procedure Article 648 and to report their study findings to the House
7	Committee on Health and Welfare, the Senate Committee on Health and Welfare, the
8	House Committee on Criminal Justice, and Senate Judiciary A Committee at least
9	sixty days prior to the convening of the 2019 Regular Session of the Legislature.
10	WHEREAS, the Legislature of Louisiana finds that if a defendant lacks the mental
11	capacity to proceed to trial, he may be in need of competency restoration and that the
12	Louisiana Department of Health is authorized to provide such competency restoration; and
13	WHEREAS, the legislature finds that competency restoration may be provided
14	within jail, on an outpatient basis within the community, or on an inpatient basis at Eastern
15	Louisiana Mental Health System; and
16	WHEREAS, the legislature finds that the nature of the crime and the time to
17	complete the competency restoration should be an indication as to whether jail-based,
18	outpatient, or inpatient competency restoration is appropriate; and

1	WHEREAS, the legislature finds that if the defendant is unlikely to be restored
2	within the foreseeable future, the defendant shall either be released or remanded to the
3	Louisiana Department of Health for judicial civil commitment or to be discharged; and
4	WHEREAS, the legislature finds that a study is necessary to review how this law is
5	being applied and the effects of such application; and
6	WHEREAS, the legislature finds that a study is necessary regarding what additional
7	circumstances should be considered when determining if jail-based, outpatient, or inpatient
8	competency restoration is to be ordered, and to consider the available resources when
9	making such a determination; and
10	WHEREAS, the legislature finds that a study is necessary regarding the appropriate
11	scope of the court's authority and the department's authority under this law regarding release
12	and discharge of the defendant when the defendant is found to unlikely be restored within
13	the foreseeable future; and
14	WHEREAS, the legislature finds that the Louisiana Department of Health, jointly
15	with the Louisiana District Judges Association, Louisiana District Attorneys Association,
16	Louisiana Public Defender Board, Advocacy Center, Louisiana Mental Health Advocacy
17	Service, and other parties as may be determined, is the appropriate body to conduct a study
18	relative to the goal set out herein and to submit a report on its findings to the legislature for
19	consideration.
20	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
21	urge and request that the Louisiana Department of Health in consultation with the Louisiana
22	District Judges Association, Louisiana District Attorneys Association, Louisiana Public
23	Defender Board, Advocacy Center, Louisiana Mental Health Advocacy Service, and other
24	parties as may be determined, specifically study the requirements of Code of Criminal
25	Procedure Article 648, how it is being applied, the effects of such application, and the need
26	for possible amendments to the law to include best practices for competency restoration
27	efforts when working to restore a defendant to competency, as well as judicial civil
28	commitments of those defendants who are unable to be restored to competency.
29	BE IT FURTHER RESOLVED that the Louisiana Department of Health jointly with
30	the Louisiana District Judges Association, Louisiana District Attorneys Association,

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- 1 Louisiana Public Defender Board, Advocacy Center, Louisiana Mental Health Advocacy
- 2 Service, and other parties as may be determined, shall submit a summary of its findings to
- 3 the House Committee on Health and Welfare, the Senate Committee on Health and Welfare,
- 4 and the House Committee on Criminal Justice, and Senate Judiciary A Committee, at least
- 5 sixty days prior to the convening of the 2019 Regular Session of the Legislature.
- 6 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
- 7 secretary of the Louisiana Department of Health, Louisiana District Judges Association,
- 8 Louisiana District Attorneys Association, Louisiana Public Defender Board, Advocacy
- 9 Center, and Louisiana Mental Health Advocacy Service.

## **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)]

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Jackson

Request the Louisiana Department of Health, the Louisiana District Judges Association, Louisiana District Attorneys Association, Louisiana Public Defender Board, Advocacy Center, Louisiana Mental Health Advocacy Service, and other parties as may be determined, to study jointly the language of the Louisiana Code of Criminal Procedure Article 648 and how it is being applied and the effects of such application of the current law, and to report their study findings to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Criminal Justice, and Senate Judiciary A Committee at least 60 days prior to the convening of the 2019 R.S.