

2019 Regular Session

HOUSE BILL NO. 356

BY REPRESENTATIVE HENRY AND SENATOR MARTINY

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

CRIMINAL/JUSTICE: Provides relative to visitation of inmates with serious bodily injuries at certain healthcare facilities

1 AN ACT

2 To amend and reenact R.S. 15:833(A)(1)(b) and (c)(i), (ii), and (iii) and to enact R.S.
3 15:833(A)(1)(c)(vi), relative to the department of corrections; to provide relative to
4 inmate contact with persons outside of a correctional institution; to provide that an
5 inmate who sustains serious bodily injury that requires admittance to medical
6 facilities is entitled to visitation with immediate family members under certain
7 circumstances; to provide relative to the notice provided to the inmate's immediate
8 family with respect to visitation at the medical facility; to amend the definition of
9 "serious bodily injury"; to amend the definition of "immediate family"; to provide
10 relative to the security procedures and policies of the visitation; and to provide for
11 related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:833(A)(1)(b) and (c)(i), (ii), and (iii) is hereby amended and
14 reenacted and R.S. 15:833(A)(1)(c)(vi) is hereby enacted to read as follows:

15 §833. Inmate contact with persons outside institution; temporary release

16 A.(1)

17 * * *

18 (b) If an inmate sustains serious bodily injury requiring admittance to ~~an~~
19 ~~intensive care unit or trauma center~~ a medical facility, the warden or other governing
20 authority of correctional facility, jail, or other detention facility shall attempt to

1 notify the inmate's immediate family within eight hours of the medical decision to
2 transport the inmate to ~~the intensive care unit or trauma center~~ a medical facility.

3 (c)(i) Notwithstanding any other provision of law, if an inmate sustains
4 serious bodily injury requiring admittance to ~~an intensive care unit or trauma center~~
5 a medical facility, a member of the inmate's immediate family shall be granted
6 visitation with the inmate. Visits shall be granted daily for the duration of the
7 inmate's admission to the ~~intensive care unit or trauma center~~ medical facility, unless
8 the warden or other governing authority of the inmate's correctional facility, jail, or
9 other detention facility provides written notice, within six hours of the inmate's
10 admission to the intensive care unit ~~or trauma center~~, to any immediate family
11 member seeking visitation why such visitation cannot be granted. Notwithstanding
12 the provisions of this Item to the contrary, if the inmate's admission to the intensive
13 care unit ~~or trauma center~~ occurs between the hours of 8:00 p.m. and 4:00 a.m., the
14 correctional or detention facility shall provide the required written notification within
15 twenty-four hours of the ~~time the serious bodily injury occurred~~ inmate's admission
16 to the medical facility.

17 (ii) For purposes of this Paragraph, "serious bodily injury" means bodily
18 injury that involves ~~unconsciousness, extreme physical pain or~~ protracted and
19 obvious disfigurement, or protracted loss or impairment of the function of a bodily
20 member, organ, or mental faculty, or a substantial risk of death.

21 (iii) For purposes of this Paragraph, "immediate family" means a spouse,
22 child, parent, stepparent, sibling, stepsibling, grandchild, or grandparent of the
23 inmate. If all persons defined as "immediate family" of the inmate are deceased,
24 "immediate family" shall also include siblings of the inmate's parents.

25 * * *

26 (vi) The visitation shall follow all security procedures and policies of the
27 correctional facility, jail, or other detention center and the medical facility where the
28 inmate is being housed.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 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 356 Reengrossed

2019 Regular Session

Henry

Abstract: Provides relative to visits of the immediate family of an inmate who sustains serious bodily injury and is admitted to a medical facility.

Present law provides that the secretary of DPS&C may authorize visits and correspondence under reasonable conditions between inmates and approved friends, relatives, and other persons.

Proposed law retains present law.

Present law provides that if an inmate sustains serious bodily injury that requires admittance to an intensive care unit (ICU) or trauma center, the warden or other governing authority of the correctional facility, jail, or other detention facility must attempt to notify the inmate's immediate family within eight hours of the medical decision to transport the inmate to the ICU or trauma center.

Present law further provides that if an inmate sustains serious bodily injury that requires admittance to an ICU or trauma center, a member of the inmate's immediate family must be granted visitation with the inmate for the duration of the inmate's admission to the ICU or trauma center, unless the warden or other governing authority of the inmate's correctional facility, jail, or other detention facility provides written notice, within six hours of the inmate's admission to the ICU or trauma center, to any immediate family member seeking visitation on why such visitation cannot be granted.

Proposed law changes the references of "intensive care unit" and "trauma center" to "medical facility". Further requires visits to be granted daily for the duration of the inmate's admission to the medical facility, unless notice is provided to any immediate family of the inmate as to why such visitation cannot be granted pursuant to present law.

Proposed law further requires the visitation to follow all security procedures and policies of the correctional facility, jail, or other detention center and the medical facility where the inmate is being housed.

Present law provides for definitions of "immediate family" and "serious bodily injury".

Proposed law amends the present law definitions to read as follows:

- (1) "Serious bodily injury" means bodily injury that involves protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

- (2) "Immediate family" means a spouse, child, parent, stepparent, sibling, stepsibling, grandchild, or grandparent of the inmate. If all persons defined as "immediate family" are deceased, then the term shall also include siblings of the inmate's parents.

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

(Amends R.S. 15:833(A)(1)(b) and (c)(i), (ii), and (iii); Adds R.S. 15:833(A)(1)(c)(vi))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Change present law references of "intensive care unit" and "trauma center" to "medical facility".
2. Reinstate the present law definition of "serious bodily injury" but amend the definition to exclude unconsciousness and extreme physical pain.
3. Reinstate the present law definition of "immediate family" but amend the definition to include siblings of the inmate's parents under certain circumstances.
4. Require the visitation to follow all security procedures and policies of the correctional facility, jail, or other detention center and the medical facility where the inmate is housed.