

Regular Session, 2014

HOUSE BILL NO. 330

BY REPRESENTATIVE LOPINTO

MENTAL HEALTH: Authorizes the use of electronic means for the delivery of an order for protective custody and transportation to the sheriff

1 AN ACT

2 To amend and reenact R.S. 28:53.2(D), relative to involuntary mental health treatment; to
3 authorize the use of electronic means for delivery of the custody order to the sheriff;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 28:53.2(D) is hereby amended and reenacted to read as follows:

7 §53.2. Order for custody; grounds; civil liability; criminal penalty for making a false
8 statement

9 * * *

10 D. The order for custody shall be effective for seventy-two hours from its
11 issuance by the coroner or judge and shall be delivered to the sheriff for execution
12 by facsimile or other electronic means, including but not limited to e-mail. The
13 sheriff or transporting person shall deliver a copy of the order for custody to the
14 coroner, or patient, and director of the treatment facility ~~by the individual who has~~
15 ~~transported the person. The~~ upon execution with the date and hour that the person
16 is taken into protective custody ~~shall be~~ clearly written on the order. Without delay,
17 and in no event more than twelve hours after being taken into protective custody, the
18 person shall be delivered to a treatment facility or the office of the coroner or he
19 shall be released. Upon arrival, the person in custody shall be examined immediately
20 by the coroner or, if at a treatment facility, by a physician, preferably a psychiatrist,

Present law requires the person in custody to be examined within 12 hours of arrival at the treatment facility or coroner's office or be released.

Proposed law retains present law.

(Amends R.S. 28:53.2(D))