

Regular Session, 2014

HOUSE BILL NO. 330

BY REPRESENTATIVE LOPINTO

MENTAL HEALTH: Provides for the method of delivery of an order for protective custody and transportation to law enforcement

1 AN ACT

2 To amend and reenact R.S. 28:53.2(D), relative to involuntary mental health treatment; to
3 provide relative to the method of delivery of the custody order to law enforcement;
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 appropriate law
12 enforcement agency for execution by hand, facsimile, or other electronic means,
13 including but not limited to e-mail. The law enforcement officer or transporting
14 person shall deliver a copy of the order for custody to the coroner, or patient, and
15 director of the treatment facility by the individual who has transported the person.
16 The upon execution with the date and hour that the person is taken into protective
17 custody ~~shall be~~ clearly written on the order. Without delay, and in no event more
18 than twelve hours after being taken into protective custody, the person shall be
19 delivered to a treatment facility or the office of the coroner or he shall be released.
20 Upon arrival, the person in custody shall be examined immediately by the coroner

1 or, if at a treatment facility, by a physician, preferably a psychiatrist, medical
 2 psychologist, or psychiatric mental health nurse practitioner, who shall determine if
 3 the person shall be voluntarily admitted, admitted by emergency certificate, admitted
 4 as a noncontested admission, or discharged. The person in custody shall be
 5 examined within twelve hours of his arrival at the treatment facility or coroner's
 6 office or he shall be released.

7 * * *

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)]

Lopinto

HB No. 330

Abstract: Authorizes the use of electronic means for the delivery of an order for protective custody and transportation to law enforcement.

Present law authorizes any parish coroner or judge of a court of competent jurisdiction to order certain persons to be taken into protective custody and transported to a treatment facility or the office of the coroner for immediate examination.

Present law provides that the order for custody shall be delivered to the coroner or director of the treatment facility by the individual who has transported the person and requires the date and hour that the person is taken into protective custody to be written on the order.

Proposed law provides that the order for custody shall be delivered to the appropriate law enforcement agency for execution by hand, facsimile, or other electronic means, including but not limited to e-mail.

Proposed law requires the law enforcement officer or transporting person to deliver a copy of the order for custody to the coroner, patient, and director of the treatment facility upon execution with the date and hour that the person is taken into protective custody clearly written on the order.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Changed references in proposed law from "sheriff" to "law enforcement officer" and "law enforcement agency".
2. Authorized the delivery of the protective order to the appropriate law enforcement agency by hand.