

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,

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)]

HCR 54 Engrossed

2018 Regular Session

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.