

2018 Regular Session

SENATE BILL NO. 49

BY SENATORS MORRELL AND BARROW

CORRECTIONAL FACILITIES. Provides for family member visitation with offenders who have sustained serious injuries while in custody. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:833(A)(1), relative to inmate contact with persons outside of  
3 a correctional institution; to provide that an inmate who has sustained serious bodily  
4 injury is entitled to visitation with immediate family members under certain  
5 circumstances; to provide definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:833(A)(1) is hereby amended and reenacted to read as follows:

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

9 A.(1)(a) The secretary of the Department of Public Safety and Corrections  
10 may authorize visits and correspondence under reasonable conditions between  
11 inmates and approved friends, relatives, and other persons.

12 **(b) If an inmate sustains serious bodily injury requiring admittance to**  
13 **an intensive care unit or trauma center, the warden or other governing**  
14 **authority of the correctional facility, jail, or other detention facility shall notify**  
15 **the inmate's immediate family within one hour of the medical decision to**  
16 **transport the inmate to the intensive care unit or trauma center.**

17 **(c)(i) Notwithstanding any other provision of law, if an inmate sustains**

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

13 (ii) For purposes of this Subparagraph, "serious bodily injury" means  
 14 bodily injury that involves unconsciousness, extreme physical pain or  
 15 protracted and obvious disfigurement, or protracted loss or impairment of the  
 16 function of a bodily member, organ, or mental faculty, or a substantial risk of  
 17 death.

18 (iii) For purposes of this Subparagraph, "immediate family" means a  
 19 spouse, child, parent, stepparent, sibling, stepsibling, grandchild, or  
 20 grandparent of the inmate.

21 (iv) The visitation provided for in this Subparagraph may be supervised.

22 (v) The visitation provided for in this Subparagraph may be revoked if  
 23 any immediate family member possesses any item of contraband during the  
 24 visitation.

25 \* \* \*

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

1 effective on the day following such approval.

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The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

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DIGEST

SB 49 Reengrossed

2018 Regular Session

Morrell

Present law provides that the secretary of the Dept. of Public Safety and Corrections may authorize visits and correspondence under reasonable conditions between inmates and approved friends, relatives, and other persons.

Proposed law retains present law and adds that if an inmate sustains bodily injury requiring admittance to an intensive care unit or trauma center, the warden or other governing authority of the correctional facility, jail, or other detention facility shall notify the inmate's immediate family within one hour of the medical decision to transport the inmate to the intensive care unit or trauma center.

Proposed law further provides that, notwithstanding any provision of present law, if an inmate sustains serious bodily injury requiring admittance to an intensive care unit or trauma center, members of the inmate's immediate family must be granted visitation with the inmate for the duration of the inmate's admission to the intensive care unit 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 intensive care unit or trauma center, to any immediate family member seeking visitation why such visitation cannot be granted.

If the inmates admission occurs between the hours of eight p.m. and four a.m. the correctional or detention facility shall provide the required written notification within twenty-four hours of the time the serious bodily injury occurred. Visitation may be supervised. Visitation may be revoked if any immediate family member possesses any item of contraband during visitation.

Proposed law defines "serious bodily injury" as bodily injury that involves unconsciousness, extreme physical pain or 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.

Proposed law defines "immediate family" as a spouse, child, parent, stepparent, sibling, step-sibling, grandchild, or grandparent of the inmate.

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

(Amends R.S. 15:833(A)(1))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds technical language.
2. Requires notification of the inmate's family within one hour of the decision to transport him to the ICU.
3. Allows notification of why visitation cannot be granted to be provided within 24 hours if the admission occurs between 8pm and 4am.