

Regular Session, 2014

HOUSE BILL NO. 15

BY REPRESENTATIVE JAMES

CRIMINAL/PROCEDURE: Adds licensed professional counselors to the list of persons who may serve on a clinical team appointed in lieu of a sanity commission

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 644(D)(1), relative to mental  
3 incapacity to proceed; to provide relative to the composition of a clinical team  
4 appointed in lieu of a sanity commission; to add licensed professional counselors to  
5 the list of persons who may serve on a clinical team; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 644(D)(1) is hereby amended and  
9 reenacted to read as follows:

10 Art. 644. Appointment of sanity commission; examination of defendant

11 \* \* \*

12 D.(1) The court, in any judicial district which enters into a cooperative  
13 endeavor agreement with the local mental health unit, in lieu of appointing a sanity  
14 commission as provided in Paragraph A, may appoint the local mental health unit to  
15 examine and report on the mental condition of the defendant. If the local mental  
16 health unit is ordered to conduct the examination, it shall form a clinical team,  
17 consisting of at least two but not more than three members, to conduct the  
18 examination. The clinical team shall be composed of one or more licensed  
19 physicians with at least three years experience in the study of psychiatry in an  
20 approved United States General Psychiatry Residency Program; ~~if~~ If only one such

1 licensed physician is a member of the clinical team, the remaining members of the  
 2 clinical team may be composed of clinical psychologists, medical psychologists,  
 3 licensed professional counselors, or licensed clinical social workers, who are  
 4 qualified by training or experience in forensic evaluations.

5 \* \* \*

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)]

James

HB No. 15

**Abstract:** Adds licensed professional counselors to the list of persons who may serve on a clinical team that is appointed in lieu of a sanity commission.

Present law provides for a sanity commission to be appointed by the court after a mental examination of a defendant is ordered. The sanity commission shall examine and report upon the mental condition of the defendant.

Present law authorizes the court, in lieu of appointing a sanity commission, to enter into a cooperative endeavor agreement with the local mental health unit to examine and report on the mental condition of the defendant.

Present law provides that if the local mental health unit is ordered to conduct the examination, it shall form a two- or three-member clinical team to be composed of one or more licensed physicians. Further provides that if only one licensed physician is a member of the clinical team, the remaining members of the clinical team may be composed of any of the following persons who are qualified by training or experience in forensic evaluations: clinical psychologists, medical psychologists, or licensed clinical social workers.

Proposed law retains present law and adds licensed professional counselors to the list of persons who may serve on a clinical team.

(Amends C.Cr.P. Art. 644(D)(1))