2019 Regular Session

HOUSE BILL NO. 287

BY REPRESENTATIVE HILL

1	AN ACT
2	To amend and reenact R.S. 28:55(E)(1) and 454.6(B), relative to the judicial commitment
3	of persons; to require judicial notice upon such commitments during judicial
4	hearings to be given to the Louisiana Department of Health; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 28:55(E)(1) and 454.6(B) are hereby amended and reenacted to read
8	as follows:
9	§55. Judicial hearings
10	* * *
11	E.(1) If the court finds by clear and convincing evidence that the respondent
12	is dangerous to self or others or is gravely disabled, as a result of a substance-related
13	or addictive disorder or mental illness, it shall render a judgment for his
14	commitment. After considering all relevant circumstances, including clinical
15	recommendations and any preference of the respondent or his family, the court shall
16	determine whether the respondent should be committed to a treatment facility which
17	is medically suitable and least restrictive of the respondent's liberty. However, if the
18	placement determined by the court is unavailable, the court may commit the
19	respondent to the Louisiana Department of Health for appropriate placement subject
20	to the availability of department resources until such time as an opening is available
21	for transfer to the treatment facility determined by the court. If the department is not
22	the petitioner, the parties shall first consult with the department or its counsel before
23	entering into a judgment stipulating a commitment of the respondent to the
24	department. When the judgment results in a commitment of the respondent to the

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ACT No. 307

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1	department, either ordered by the court or through stipulation of the parties, the court
2	shall cause reasonable notice of the judgment thereof to be delivered to the
3	department.
4	* * *
5	§454.6. Judicial hearings; commitments
6	* * *
7	B. If the court finds by clear and convincing evidence that the respondent has
8	a developmental disability and is either dangerous to himself or dangerous to others,
9	it may render a judgment for his commitment. Courts committing persons to the
10	custody of the department shall not make such commitments to specific private or
11	public facilities but shall only commit such individuals to the department. If the
12	department is not the petitioner, the parties shall first consult with the department or
13	its counsel before entering into a judgment stipulating to a commitment of the
14	respondent to the department. When the judgment results in a commitment of the
15	respondent to the department, either ordered by the court or through stipulation of
16	the parties, the court shall cause reasonable notice of the judgment thereof to be
17	delivered to the department.
18	* * *
19	Section 2. This Act shall become effective upon signature by the governor or, if not
20	signed by the governor, upon expiration of the time for bills to become law without signature
21	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22	vetoed by the governor and subsequently approved by the legislature, this Act shall become
23	effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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