

Regular Session, 2013

SENATE BILL NO. 114

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CORONERS. Provides relative to protective custody orders in Jefferson Parish. (8/1/13)

1 AN ACT

2 To enact R.S. 28:53.3, relative to coroners; to provide relative to protective custody orders  
3 executed in Jefferson Parish by video conferencing; to require the signature of the  
4 affiant to be witnessed on the video; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 28:53.3 is hereby enacted to read as follows:

7 **§53.3. Order for custody; grounds; teleconference; Jefferson Parish**

8 **Any parish coroner or judge of a court of competent jurisdiction may**  
9 **order a person to be taken into protective custody and transported to a**  
10 **treatment facility or to the office of the coroner for immediate examination**  
11 **when a peace officer or other credible person executes a statement under**  
12 **private signature specifying that, to the best of his knowledge and belief and**  
13 **personal observations, the person is mentally ill or suffering from substance**  
14 **abuse and is in need of immediate treatment to protect the person or others**  
15 **from physical harm. The statement may be made by video conference between**  
16 **a police station and the Jefferson Parish coroner's office if the affiant is**  
17 **physically located in the city of Kenner or the towns of Jean Lafitte or Grand**

1        **Isle. If the affiant is credible, qualified staff of the coroner's office shall fill out**  
 2        **an order for protective custody form based on information obtained in the video**  
 3        **interview and immediately fax the form to the appropriate police station. If the**  
 4        **statement meets with the affiant's approval, the affiant shall sign the statement.**  
 5        **The signature of the affiant shall be witnessed on the video and by a peace**  
 6        **officer and immediately faxed to the coroner's office. Thereafter, the original**  
 7        **signed form shall be sent to the Jefferson Parish coroner's office.**

---

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

---

#### DIGEST

Martiny (SB 114)

Present law authorizes any parish coroner or judge of a court of competent jurisdiction to order a person to be taken into protective custody and transported to a treatment facility or to the office of the coroner for immediate examination when a peace officer or other credible person executes a statement under private signature specifying that, to the best of his knowledge and belief and personal observations, the person is mentally ill or suffering from substance abuse and is in need of immediate treatment to protect the person or others from physical harm.

Proposed law retains present law and further authorizes the statement to be made by video conferencing in Jefferson Parish. Requires that the affiant be physically located at a police station in Kenner, Jean Lafitte, or Grand Isle and that the video conference be between a police station and the coroner's office. Provides that if the affiant is credible, a qualified staff of the coroner's office shall complete the order for protective custody form and fax it to the police station. Provides that if the statement meets the affiant's approval, the affiant sign the statement which shall be witnessed on video and by a peace officer and immediately faxed to the coroner's office. Requires the original signed form to be sent to the coroner's office.

Effective August 1, 2013.

(Adds R.S. 28:53.3)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds qualification that the video conference be between a police station in Kenner, Jean Lafitte, or Grand Isle and the Jefferson Parish coroner's office.
2. Adds requirement for coroner staff to complete form and fax to police station.
3. Adds requirement for original signed form to be sent to coroner's office.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau changes.