

SENATE BILL NO. 114

BY SENATOR MARTINY

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

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AN ACT

To amend and reenact R.S. 28:69(A) and to enact R.S. 28:53.3 and 67(4), relative to coroners; to provide relative to protective custody orders executed in Jefferson Parish by video conferencing; to require the signature of the affiant to be witnessed on the video; to authorize certain persons with concurrence of the coroner to petition the court for an order authorizing involuntary outpatient treatment of certain patients; to provide for service of such petitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:69(A) is hereby amended and reenacted and R.S. 28:53.3 and 67(4) are hereby enacted to read as follows:

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

**When a peace officer or other credible person executes a statement made to the best of his knowledge, belief, and personal observations from any law enforcement agency physically located in the city of Kenner or the towns of Jean Lafitte or Grand Isle pursuant to R.S. 28:53.2, the statement may be made by video conference between the peace officer or other credible person and the Jefferson Parish coroner's office. If the affiant is credible, qualified staff of the**

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

8   \*       \*       \*

9           §67. Petition to the court

10                           A petition for an order authorizing involuntary outpatient treatment may be  
 11                           filed in the judicial district in the parish in which the patient is present or reasonably  
 12                           believed to be present. A petition to obtain an order authorizing involuntary  
 13                           outpatient treatment may be initiated by one of the following persons:

14   \*       \*       \*

15   (4) Any interested person through counsel with written concurrence of  
 16   the coroner in the jurisdiction in which the person is found.

17   \*       \*       \*

18           §69. Procedure

19                           A.(1) Upon the filing of the petition authorized by R.S. 28:67, the court  
 20                           shall assign a time and place for a hearing, which may be conducted before any judge  
 21                           in the judicial district, within five days, and shall cause reasonable notice thereof and  
 22                           a copy of the petition to be served upon the respondent, respondent's attorney, the  
 23                           petitioner and the director of the human service district or the regional manager of  
 24                           the Department of Health and Hospitals, office of behavioral health, in the parish  
 25                           where the petition has been filed. The notice shall inform the respondent that he has  
 26                           a right to be present, a right to counsel, which may be appointed, if he is indigent or  
 27                           otherwise qualified, has the right to counsel appointed to represent him by the Mental  
 28                           Health Advocacy Service, and a right to cross examine witnesses. Continuances  
 29                           shall be granted only for good cause shown.

30   (2) In addition to those persons entitled to notice pursuant to Paragraph

