

HOUSE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 509 by Representative Schroder

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and (C)" delete the remainder of the line, delete lines 3 through 5
3 in their entirety, and insert the following:

4 "and Code of Criminal Procedure Article 320(G), relative to the issuance and
5 violation of protective orders;"

6 AMENDMENT NO. 2

7 On page 1, at the beginning of line 6, delete "show cause;"

8 AMENDMENT NO. 3

9 On page 1, at the beginning of line 7, insert the following:

10 "to provide relative to the issuance of protective orders and the prohibition
11 on communication and contact as conditions of release on bail for certain
12 offenses;"

13 AMENDMENT NO. 4

14 On page 1, delete lines 9 through 19 in their entirety

15 AMENDMENT NO. 5

16 Delete page 2 in its entirety

17 AMENDMENT NO. 6

18 On page 3, delete lines 1 through 19 in their entirety

19 AMENDMENT NO. 7

20 On page 3, at the beginning of line 20, change "Section 2." to "Section 1."

21 AMENDMENT NO. 8

22 On page 6, after line 14, add the following:

23 "Section 2. Code of Criminal Procedure Article 320(G) is hereby
24 amended and reenacted to read as follows:

25 Art. 320. Conditions of bail undertaking
26 * * *

27 G. Domestic offenses, stalking, and sex offenses. (1) In determining
28 conditions of release of a defendant who is alleged to have committed an
29 offense against the defendant's family or household member, as defined in
30 R.S. 46:2132(4), or against the defendant's dating partner, as defined in R.S.
31 46:2151, or who is alleged to have committed the offense of domestic abuse
32 battery under the provisions of R.S. 14:35.3, or who is alleged to have
33 committed the offense of stalking under the provisions of R.S. 14:40.2, or

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who is alleged to have committed a sexual assault as defined in R.S. 46:2184, or who is alleged to have committed the offense of first degree rape under the provisions of R.S. 14:42, the court shall consider the previous criminal history of the defendant and whether the defendant poses a threat or danger to the victim. If the court determines that the defendant poses such a threat or danger, it shall require as a condition of bail that the defendant refrain from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner whatsoever, and shall refrain from having any further contact with the victim. The court shall also consider any statistical evidence prepared by the United States Department of Justice relative to the likelihood of such defendant or any person in general who has raped or molested victims under the age of thirteen years to commit sexual offenses against a victim under the age of thirteen in the future.

(2) If the defendant is alleged to have committed any of the offenses included in Paragraph (1) of this Subsection, the court shall require as a condition of bail that the defendant be prohibited from communicating, by electronic communication, in writing, or orally, with a victim of the offense, or with any of the victim's immediate family members, while the case is pending. This condition does not apply if the victim consents in person or through a communication through the local prosecuting agency. If an immediate family member of the victim consents in person or through a communication through the local prosecuting agency, then the defendant may contact that person.

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