

1 physical manifestation of domestic abuse, and which further recognizes that domestic abuse
2 is a pattern of assaultive or coercive behaviors, including but not limited to physical, sexual,
3 and psychological threats and attacks, and financial control; and

4 WHEREAS, a revision of the domestic abuse battery statute (R.S. 14:35.3) should
5 be reviewed, as the statute currently is not recognized as a crime of violence in Louisiana;
6 and

7 WHEREAS, R.S. 14:35.3 should also be reviewed with the goal of providing
8 consistency in sentencing, particularly with respect to sentencing enhancements for those
9 criminal acts involving strangulation, pregnancy, burning, and child endangerment; and

10 WHEREAS, there exists no crime of domestic abuse which takes into consideration
11 the non-physical element of coercive control inherent in domestic abuse; and

12 WHEREAS, there may be a need for revision of the criminal stalking statute (R.S.
13 14:40.2) which separates harassment and bullying provisions from actual acts of stalking,
14 differentiates between stalking an intimate partner from stalking a stranger, and recognizes
15 that stalking an intimate partner is a precursor to domestic homicide; and

16 WHEREAS, it is of the utmost importance to evaluate orders of protection for
17 victims of intimate partner violence, including domestic abuse, sexual abuse, and stalking,
18 which will prohibit a defendant from directing a third party to perform prohibited acts and
19 which will protect a victim from a convicted stalker until that person is found to present
20 threat of harm to the victim; and

21 WHEREAS, there exists a need for definitions of "physical abuse" and "sexual
22 abuse" and for clarification of the types of civil and criminal protective orders and other
23 orders which will qualify for a divorce based upon Civil Code Article 104(4) or (5); and

24 WHEREAS, the need for consistency in the assessment of costs and attorney fees,
25 including appeals, against an abuser in the Domestic Abuse Assistance Act, the Post
26 Separation Family Violence Relief Act, and obligations incurred in an action for divorce
27 should be considered; and

28 WHEREAS, there exists a need to assess whether custodial parents denied visitation
29 with children pursuant to a protective order should have expedited hearings in courts; and

1 WHEREAS, these needs should be considered in the context of the historical
2 domestic violence laws passed unanimously by this legislature in 2014 and thereafter.

3 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that the Louisiana
4 State Law Institute study the laws of domestic violence to address the need for any revisions
5 and recommendations to this area of law.

6 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge
7 and request the Louisiana State Law Institute to work in conjunction with the United Against
8 Domestic Violence Coalition and any other agencies or associations deemed appropriate by
9 the working group regarding this study.

10 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
11 to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute
12 report its findings and recommendations to the Legislature of Louisiana on or before
13 February 1, 2018.

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)]

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White

Requests the La. State Law Institute to study the laws of domestic abuse, domestic violence, and stalking, particularly with regards to divorce, harassment, and non-physical abuse, and to report its findings and recommendations to the legislature no later than Feb. 1, 2018.