HLS 17RS-1573 **ORIGINAL**

2017 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 79

BY REPRESENTATIVE WHITE

DOMESTIC ABUSE: Requests the Louisiana State Law Institute to study state laws governing domestic abuse, domestic violence, and stalking

A CONCURRENT RESOLUTION

2	To urge and request the Louisiana State Law Institute to study state laws governing domestic
3	abuse, domestic violence, and stalking.
4	WHEREAS, Louisiana is ranked second in the nation for domestic violence
5	homicides; and
6	WHEREAS, the Louisiana Legislature has enacted or amended over 50 provisions
7	of law relative to domestic violence, family violence, and stalking since the 2014 Regular
8	Session to assist and protect victims; and
9	WHEREAS, the majority of the laws enacted have been proposed by the United
10	Against Domestic Violence Coalition, comprised of the Public Policy Committee of United
11	Way of Southeast Louisiana, the Louisiana Coalition Against Domestic Violence, and the
12	New Orleans Family Justice Center Alliance; and
13	WHEREAS, the Louisiana Commission to Prevent Domestic Violence was formed
14	in 2014 to solicit recommendations for legislation that it deems necessary and appropriate
15	upon approval by a two-thirds vote of the commission members present; and
16	WHEREAS, the Louisiana Commission to Prevent Domestic Violence has worked
17	closely with the United Against Domestic Violence Coalition to make recommendations to
18	the Louisiana Legislature since its inception, with recommendations and advocacy
19	undertaken by the coalition; and
20	WHEREAS, there remains a need for a consistent and comprehensive definition of
21	"domestic abuse" in Louisiana statutes, with the understanding that domestic violence is a

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

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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

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)]

HCR 79 Original

February 1, 2018.

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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.