



Proposed law authorizes the court, in the event that the defendant is denied bail or is unable to post bail and is therefore incarcerated prior to trial, to issue an order prohibiting the defendant 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, but not if the victim or an immediate family member consents by way of a request to the court and the court issues an order permitting the communication.

Proposed law requires that in all cases, the court issue and shall file into the record any order issued and serve the defendant with the order by personal service.

Present law provides for conditions of bail undertaking for crimes of violence.

Present law requires the court, if the defendant has been charged with a crime of violence, to set 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, but not if the victim or an immediate family member consents in person or through a communication through the local prosecuting agency.

Proposed law requires the court to also consider 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. Proposed law prohibits this condition from applying if the victim consents by way of a request to the court and the court issues an order permitting the communication. If an immediate family member of the victim consents by way of a request to the court and the court issues an order permitting the communication, then the defendant is authorized to contact that person.

Present law authorizes the court to 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, if the defendant is alleged to have committed any of the offenses included in present law, but not if the victim consents in person or through a communication through the local prosecuting agency.

Proposed law authorizes the court, in the event that the defendant is denied bail or is unable to post bail and is therefore incarcerated prior to trial, to issue an order prohibiting the defendant 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, but not if the victim or an immediate family member consents by way of a request to the court and the court issues an order permitting the communication.

Proposed law prohibits a court from denying the issuance of a protective order on the ground that a protective order has already been issued under any other provision of law. Proposed law further requires that any protective order issued pursuant to proposed law remain in effect for the entirety of the time that the criminal case is pending until sentencing unless the person protected by the protective order moves the court to dissolve the protective order as to that person and the court grants the motion to dissolve the protective order as to that person.

Present law sets forth certain circumstances under which a defendant is prohibited from being released on his personal undertaking or with an unsecured personal surety.

Proposed law retains present law and adds battery and aggravated assault of a dating partner as offenses in which present law applies.

Present law authorizes the committee on parole to make rules for the conduct of persons granted parole. Present law requires that when a prisoner is released on parole, the committee require as a condition of his parole that he refrain from engaging in criminal conduct.

Proposed law requires that if the offender has been convicted of a crime of violence committed upon any person, or any offense, that is a felony, committed upon a family member, household member, or dating partner, the committee on parole, as a condition of parole that the offender, order 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.

Proposed law requires the committee on parole to require as a condition of parole that the offender refrain 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.

Proposed law requires that, prior to the release of the offender on parole, a judge cause to have prepared a Uniform Abuse Prevention Order, sign the order, and immediately forward it to the clerk of court for filing on the day that the order is issued. Proposed law requires the clerk of the issuing court to transmit the Uniform Abuse Prevention Order to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court.

Present law prohibits any person who has been charged by bill of information or indictment with any crime of violence or any offense, that is a felony, committed upon a family member, household member, or dating partner, or any immediate family member of such person, from communicating, either by electronic communication, in writing, or orally, with a victim of the offense, or any of his immediate family members for which the person has been charged or for which disposition of the case is pending.

Proposed law retains present law and adds the felony sex offenses and felony human trafficking-related offenses as offenses in which present law applies.

Present law prohibits any person who has been sentenced for a crime of violence or any offense, that is a felony, committed upon a family member, household member, or dating partner, or any immediate family member of such person, from communicating, either by electronic communication, in writing, or orally, with a victim of the offense, or any of his immediate family members, for which the person has been sentenced unless the victim or his immediate family members initiate the communication through the Dept. of Public Safety and Corrections, and it is agreed that the victim

and the offender participate in a formally defined restorative justice program administered through the department.

Proposed law retains present law and adds persons found not guilty by reason of insanity of crimes of violence, felony sex offenses and felony human trafficking-related offenses as offenses in which present law applies.

Effective August 1, 2020.

(Amends C.Cr.P. Art. 320(G), (H) and (J), and Art.321(C)(5) and (6), R.S. 14:79(A)(3)(c) and (E), R.S. 15:574.4.2(A)(5), and R.S. 46:1846(A) and (C); adds C.Cr.P. Art. 320(L) and R.S. 15:574.2(A)(6))