

2020 Regular Session

SENATE BILL NO. 505

BY SENATOR SMITH

DOMESTIC VIOLENCE. Provides for a temporary restraining order upon application by a peace officer under certain circumstances. (8/1/20)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 320(G), (H), (I)(1)(a), and (J), and

3 Art. 321(C)(5) and (6), R.S. 14:79(A)(3)(c) and (E), R.S. 15:574.4.2(A)(5), R.S.

4 46:1846(A) and (C) and 2132(4), to enact Code of Criminal Procedure Art. 320(L)

5 and R.S. 15:574.2(A)(6), relative to protective orders; provides for domestic

6 offenses, stalking, and sex offenses; provides for uniform abuse prevention orders;

7 provides for types of bail; provides for violation of protective orders; provides for

8 decisions of committee on parole; prohibits communication between offender and

9 victim; provides for exceptions; makes technical corrections; and to provide for

10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Criminal Procedure Art. 320(G), (H), (I)(1)(a), and (J), and Art.

13 321(C)(5) and (6) is hereby amended and reenacted, and Code of Criminal Procedure Art.

14 320(L) is hereby enacted to read as follows:

15 Art. 320. Conditions of bail undertaking

16 \* \* \*

17 G. Domestic offenses, stalking, and sex offenses.

1 (1) In determining conditions of release of a defendant who is alleged to have  
2 committed an offense against the defendant's family or household member, as  
3 defined in R.S. 46:2132(4), or against the defendant's dating partner, as defined in  
4 R.S. 46:2151, or who is alleged to have committed the offense of domestic abuse  
5 battery under the provisions of R.S. 14:35.3, or who is alleged to have committed  
6 the offense of battery of a dating partner under the provisions of R.S. 14:34.9,  
7 or who is alleged to have committed the offense of stalking under the provisions of  
8 R.S. 14:40.2, or who is alleged to have committed the offense of cyberstalking  
9 under the provisions of R.S. 14:40.3, or who is alleged to have committed the  
10 offense of violation of protective orders under the provisions of R.S. 14:79, or  
11 who is alleged to have committed the offense of unlawful communications under  
12 the provisions of R.S. 14:285, or who is alleged to have committed a sexual assault  
13 as defined in R.S. 46:2184, ~~or who is alleged to have committed the offense of first~~  
14 ~~degree rape under the provisions of R.S. 14:42,~~ the court shall consider the previous  
15 criminal history of the defendant and whether the defendant poses a threat or danger  
16 to the victim. If the court determines that the defendant poses such a threat or danger,  
17 it shall require as a condition of bail that the defendant refrain from going to the  
18 residence or household of the victim, the victim's school, and the victim's place of  
19 employment or otherwise contacting the victim in any manner whatsoever, and shall  
20 refrain from having any further contact with the victim. The court shall also require  
21 as a condition of bail that the defendant be prohibited from communicating, by  
22 electronic communication, in writing, or orally, with a victim of the offense or  
23 with any of the victim's immediate family members. This condition shall not  
24 apply if the victim consents by way of a request to the court and the court issues  
25 an order permitting the communication. If an immediate family member of the  
26 victim consents by way of a request to the court and the court issues an order  
27 permitting the communication, then the defendant may contact that person. The  
28 court shall also consider any statistical evidence prepared by the United States  
29 Department of Justice relative to the likelihood of such defendant or any person in

1 general who has raped or molested victims under the age of thirteen years to commit  
2 sexual offenses against a victim under the age of thirteen in the future.

3 (2) If the defendant is alleged to have committed any of the offenses included  
4 in Paragraph ~~Subparagraph~~ (1) of this Subsection ~~Paragraph~~, the court may  
5 require as a condition of bail that the defendant be prohibited from communicating,  
6 by electronic communication, in writing, or orally, with a victim of the offense, or  
7 with any of the victim's immediate family members, while the case is pending. This  
8 condition does not apply if the victim consents in person or through a  
9 communication through the local prosecuting agency. **and is denied bail or is**  
10 **unable to post bail and is therefore incarcerated prior to trial, the court may**  
11 **issue an order under this Paragraph prohibiting the defendant from**  
12 **communicating, by electronic communication, in writing, or orally, with a**  
13 **victim of the offense, or with any of the victim's immediate family members.**  
14 **This condition shall not apply if the victim consents by way of a request to the**  
15 **court and the court issues an order permitting the communication. If an**  
16 **immediate family member of the victim consents by way of a request to the**  
17 **court and the court issues an order permitting the communication, then the**  
18 **defendant may contact that person.**

19 (3) **In all cases, the court shall issue and shall file into the record any**  
20 **order issued pursuant to this Paragraph and shall serve the defendant with the**  
21 **order by personal service. The court shall also comply with the provisions of**  
22 **Paragraph H of this Article.**

23 H. Uniform Abuse Prevention Order.

24 (1) ~~If, as part of a bail restriction, an order is issued for purposes of~~  
25 ~~preventing violent or threatening acts or harassment against, or contact or~~  
26 ~~communication with or physical proximity to, another person for the purpose of~~  
27 ~~preventing domestic abuse, stalking, dating violence, or sexual assault, **If the court**~~  
28 **issues any order pursuant to any of the provisions of this Article prohibiting the**  
29 **defendant from contacting or communicating with the victim or the victim's**

1 immediate family members, the judge shall cause to have prepared a Uniform  
2 Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and  
3 shall immediately forward it to the clerk of court for filing, on the next business day  
4 after the order is issued. The clerk of the issuing court shall transmit the Uniform  
5 Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme  
6 Court, for entry into the Louisiana Protective Order Registry, as provided in R.S.  
7 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously  
8 as possible, but no later than the end of the next business day after the order is filed  
9 with the clerk of court. The clerk of the issuing court shall also send a copy of the  
10 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any  
11 modification thereof, to the chief law enforcement officer of the parish where the  
12 person or persons protected by the order reside. A copy of the Uniform Abuse  
13 Prevention Order shall be retained on file in the office of the chief law enforcement  
14 officer until otherwise directed by the court.

15 (2) If, as part of a ~~bail restriction~~ any order issued pursuant to any of the  
16 provisions of this Article, an order is issued pursuant to the provisions of this  
17 Paragraph, the court shall also order that the defendant be prohibited from possessing  
18 a firearm for the duration of the Uniform Abuse Prevention Order.

19 I. Global positioning monitoring. (1)(a) In addition, the court shall order a  
20 defendant who is alleged to have committed the offense of first degree rape under the  
21 provisions of R.S. 14:42, and may order a defendant who is alleged to have  
22 committed an offense ~~against the defendant's family or household member, as~~  
23 ~~defined in R.S. 46:2132(4), or against the defendant's dating partner, as defined in~~  
24 ~~R.S. 46:2151, or who is alleged to have committed the offense of domestic abuse~~  
25 ~~battery under the provisions of R.S. 14:35.3, or who is alleged to have committed the~~  
26 ~~offense of stalking under the provisions of R.S. 14:40.2, or who is alleged to have~~  
27 ~~committed a sexual assault as defined in R.S. 46:2184~~ enumerated in Paragraph  
28 G or J of this Article, to be equipped with a global positioning monitoring system  
29 as a condition of release on bail.

1 \* \* \*

2 J.(1) Crimes of violence. If ~~the defendant has been charged with~~  
3 Notwithstanding the provisions of Paragraph G of this Article and  
4 notwithstanding any other provision of law to the contrary, if the defendant is  
5 alleged to have committed a crime of violence as defined in R.S. 14:2(B), the court  
6 shall require as a condition of bail ~~that the defendant be prohibited from~~  
7 ~~communicating, by electronic communication, in writing, or orally, with a victim of~~  
8 ~~the offense, or with any of the victim's immediate family members while the case is~~  
9 ~~pending.~~ that the defendant refrain from going to the residence or household of  
10 the victim, the victim's school, and the victim's place of employment or  
11 otherwise contacting the victim in any manner whatsoever, and shall refrain  
12 from having any further contact with the victim. The court shall also require as  
13 a condition of bail that the defendant be prohibited from communicating, by  
14 electronic communication, in writing, or orally, with a victim of the offense, or  
15 with any of the victim's immediate family members. This condition does not  
16 apply if the victim consents ~~in person or through a communication through the local~~  
17 ~~prosecuting agency~~ by way of a request to the court and the court issues an order  
18 permitting the communication. If an immediate family member of the victim  
19 consents ~~in person or through a communication through the local prosecuting~~  
20 ~~agency,~~ by way of a request to the court and the court issues an order permitting  
21 the communication, then the defendant may contact that person.

22 (2) Notwithstanding the provisions of Paragraph G of this Article and  
23 notwithstanding any other provision of law to the contrary, if a defendant  
24 alleged to have committed an offense included in Subparagraph (1) of this  
25 Paragraph is denied bail or is unable to post bail and is therefore incarcerated  
26 prior to trial, the court shall nevertheless issue an order under this Paragraph  
27 prohibiting the defendant from communicating, by electronic communication,  
28 in writing, or orally, with a victim of the offense, or with any of the victim's  
29 immediate family members. This condition shall not apply if the victim consents

1 by way of a request to the court and the court issues an order permitting the  
2 communication. If an immediate family member of the victim consents by way  
3 of a request to the court and the court issues an order permitting the  
4 communication, then the defendant may contact that person.

5 (3) In all cases, the court shall issue and shall file into the record any  
6 order issued pursuant to this Paragraph and shall serve the defendant with the  
7 order by personal service. The court shall also comply with the provisions of  
8 Paragraph H of this Article.

9 \* \* \*

10 L. Under no circumstances shall any court deny the issuance of a  
11 protective order pursuant to any provision of this Article on the ground that a  
12 protective order has already been issued under any other provision of law. Any  
13 protective order issued pursuant to this Article shall remain in effect for the  
14 time that the criminal case is pending until sentencing unless the person  
15 protected by the protective order moves the court to dissolve the protective  
16 order as to that person and the court grants the motion to dissolve the  
17 protective order as to that person.

18 Art. 321. Types of bail; restrictions

19 \* \* \*

20 C. Any defendant who has been arrested for any of the following offenses  
21 shall not be released on his personal undertaking or with an unsecured personal  
22 surety:

23 \* \* \*

24 (5) R.S. 14:35.3 (domestic abuse battery) or R.S. 14:34.9 (battery of a  
25 dating partner).

26 (6) R.S. 14:37.7 (domestic abuse aggravated assault) or R.S. 14:34.9.1  
27 (aggravated assault upon a dating partner).

28 \* \* \*

29 Section 2. R.S. 14:79(A)(3)(c) and (E) are hereby amended and reenacted to read

1 as follows:

2 §79. Violation of protective orders

3 A. \* \* \*

4 (3) Violation of protective orders shall also include the willful disobedience  
5 of the following:

6 \* \* \*

7 (c) A condition of a parole release **pursuant to R.S. 15:574.4.2(A)(5) or any**  
8 **other condition of parole** which requires that the parolee stay away from any  
9 specific person.

10 \* \* \*

11 E.(1) Law enforcement officers shall use every reasonable means, including  
12 but not limited to immediate arrest of the violator, to enforce a preliminary or  
13 permanent injunction or protective order obtained pursuant to R.S. 9:361, R.S. 9:372,  
14 R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq.,  
15 Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and  
16 3607.1, or Code of Criminal Procedure Articles ~~327.1, 335.1, 335.2,~~ **320** and 871.1  
17 after a contradictory court hearing, or to enforce a temporary restraining order or ex  
18 parte protective order issued pursuant to R.S. 9:361, R.S. 9:372, R.S. 46:2131 et seq.,  
19 R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq., Children's Code Article  
20 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal  
21 Procedure ~~Articles 327.1, 335.1, and 335.2~~ **Article 320** if the defendant has been  
22 given notice of the temporary restraining order or ex parte protective order by service  
23 of process as required by law.

24 (2) Law enforcement officers shall at a minimum issue a summons to the  
25 person in violation of a temporary restraining order, a preliminary or permanent  
26 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,  
27 R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2181 et seq., Children's Code Article  
28 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal  
29 Procedure Articles 30, ~~327.1, 335.2~~ **320**, and 871.1.

\* \* \*

Section 3. R.S. 15:574.4.2(A)(5) is hereby amended and reenacted and R.S. 15:574.2(A)(6) is hereby enacted to read as follows:

§574.4.2. Decisions of committee on parole; nature, order, and conditions of parole; rules of conduct; infectious disease testing

A. \* \* \*

**(5)(a) If the offender has been convicted of a crime of violence as defined in R.S. 14:2 committed upon any person, or any offense, that is a felony, committed upon a family member, household member, or dating partner, as those terms are defined by R.S. 46:2132, the committee on parole shall require as a condition of parole that the offender 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 committee on parole shall also 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. For the purposes of this Subsection, "immediate family member" means the spouse, mother, father, aunt, uncle, sibling, or child of the victim, whether related by blood, marriage, or adoption. If the victim or an immediate family member of the victim informs the committee on parole in writing that he does not wish for the committee on parole to impose the conditions in this Subsection, the committee on parole shall not impose the conditions in this Subsection as to the person making the written request.**

**(b) Prior to the release of the offender on parole, a judge of the court of conviction shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of court for filing on the day that the order is issued. The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order**



1 to the Judicial Administrator's Office, Louisiana Supreme Court, for entry into  
 2 the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by  
 3 facsimile transmission or direct electronic input as expeditiously as possible, but  
 4 no later than the end of the next business day after the order is filed with the  
 5 clerk of court. The clerk of the issuing court shall also send a copy of the  
 6 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any  
 7 modification thereof, to the chief law enforcement officer of the parish where  
 8 the person or persons protected by the order reside by facsimile transmission  
 9 or direct electronic input as expeditiously as possible, but no later than the end  
 10 of the next business day after the order is filed with the clerk of court. A copy  
 11 of the Uniform Abuse Prevention Order shall be retained on file in the office of  
 12 the chief law enforcement officer until otherwise directed by the court.

13 (6) If parole is revoked for any reason, all good time earned or any additional  
 14 credits earned or which could have been earned on that portion of the sentence  
 15 served prior to the granting of parole shall be forfeited, and the parolee shall serve  
 16 the remainder of the sentence as of the date of release on parole.

17 \* \* \*

18 Section 4. R.S. 46:1846(A) and (C) and 2132(4) are hereby amended and reenacted  
 19 to read as follows:

20 §1846. Communication between offender and victim prohibited; exceptions

21 A. A person who has been charged by bill of information or indictment with  
 22 any crime of violence as defined in R.S. 14:2 committed upon any person, any  
 23 felony sex offense as defined in R.S. 46:1844(W) committed upon any person,  
 24 any felony human trafficking-related offense as defined in R.S. 46:1844(W)  
 25 committed upon any person, or any offense, that is a felony, committed upon a  
 26 family member, household member, or dating partner, as those terms are defined by  
 27 R.S. 46:2132, or any immediate family member of such person, shall be prohibited  
 28 from communicating, either by electronic communication, in writing, or orally, with  
 29 a victim of the offense, or any of his immediate family members for which the

1 person has been charged or for which disposition of the case is pending.

2 \* \* \*

3 C. A person who has been sentenced or found not guilty by reason of  
4 insanity for a crime of violence as defined in R.S. 14:2 committed upon any  
5 person, any felony sex offense as defined in R.S. 46:1844(W) committed upon  
6 any person, any felony human trafficking-related offense as defined in R.S.  
7 46:1844(W) committed upon any person, or any offense, that is a felony,  
8 committed upon a family member, household member, or dating partner, as those  
9 terms are defined by R.S. 46:2132, or any immediate family member of such person,  
10 shall be prohibited from communicating, either by electronic communication, in  
11 writing, or orally, with a victim of the offense, or any of his immediate family  
12 members, for which the person has been sentenced unless the victim or his  
13 immediate family members initiate the communication through the Department of  
14 Public Safety and Corrections, and it is agreed that the victim and the offender  
15 participate in a formally defined restorative justice program administered through the  
16 department.

17 \* \* \*

18 §2132. Definitions

19 As used in this Part:

20 \* \* \*

21 (4) "Family members" means spouses, former spouses, parents and children,  
22 stepparents, stepchildren, foster parents, and foster children. "Household members"  
23 means any person presently or formerly living in the same residence with the  
24 defendant and who is involved or has been involved in a sexual or intimate  
25 relationship with the defendant ~~and who is seeking protection under this Part~~, or any  
26 child presently or formerly living in the same residence with the defendant, or  
27 any child of the defendant regardless of where the child resides. "Dating partner"  
28 means any person protected from violence under R.S. 46:2151 ~~who is seeking~~  
29 ~~protection under this Part~~. If a parent or grandparent is being abused by an adult

1 child, adult foster child, or adult grandchild, the provisions of this Part shall apply  
 2 to any proceeding brought in district court.

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The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

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## DIGEST

SB 505 Engrossed

2020 Regular Session

Smith

Present law provides for conditions of bail undertaking for domestic offenses, stalking, and sex offenses.

Present law requires that, in determining conditions of release of a defendant who is alleged to have committed an offense against the defendant's family or household member or against the defendant's dating partner; or who is alleged to have committed the offense of domestic abuse battery; or who is alleged to have committed the offense of stalking; or who is alleged to have committed a sexual assault; or who is alleged to have committed the offense of first degree rape, the court is to consider the previous criminal history of the defendant and whether the defendant poses a threat or danger to the victim. Present law further provides that if the court determines that the defendant poses a threat or danger, it must 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 from otherwise contacting the victim in any manner whatsoever, and refrain from having any further contact with the victim. Present law requires the court to consider any statistical evidence prepared by the U.S. Dept. of Justice relative to the likelihood of the defendant or any person in general who has raped or molested victims under the age of 13 years to commit sexual offenses against a victim under the age of 13 in the future.

Proposed law retains present law and adds the offenses of battery of a dating partner, cyberstalking, violation of a protective order, and unlawful communication to the list of alleged offenses that the court is required to consider in addition to the previous criminal history of the defendant. Proposed law further requires the court to 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 further 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, and that 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.

Proposed law otherwise retains present law.

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 further requires that in

all cases, the court is to issue and file into the record any order issued and serve the defendant with the order by personal service.

Proposed law otherwise retains present law.

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 via the 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 further 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. Proposed law further provides that 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.

Proposed law otherwise retains present law.

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 further 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.

Proposed law otherwise retains present law.

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 further 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 refrain from having any further contact with the victim. Proposed law further 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 further requires that, prior to the release of the offender on parole, a judge of the court of conviction 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 further 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.

Proposed law otherwise retains present law.

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 to which present law applies.

Present law provides that the court is to order a defendant who is alleged to have committed the offense of first degree rape, and may order a defendant who is alleged to have committed an offense against the defendant's family or household member, or against the defendant's dating partner, or who is alleged to have committed the offense of domestic abuse battery, or who is alleged to have committed the offense of stalking, or who is alleged to have committed a sexual assault, to be equipped with a global positioning monitoring system as a condition of release on bail.

Proposed law deletes certain provisions of present law in favor of comparable provisions in proposed law, and otherwise retains present law.

Proposed law provides that certain provisions of present law and proposed law apply to offenses "committed against any person."

Present law provides that for purposes of present law relative to domestic abuse assistance, the term "family members" means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. Present law further provides

that "household members" means any person presently or formerly living in the same residence with the defendant and who is involved or has been involved in a sexual or intimate relationship with the defendant. Present law further provides that "dating partner" means any person protected from violence under certain provisions of present law.

Proposed law retains present law and adds that "family member" also includes any child presently or formerly living in the same residence with the defendant, or any child of the defendant regardless of where the child resides.

Effective August 1, 2020.

(Amends C.Cr.P. Art. 320(G), (H), (I)(1)(a), 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) and 2132(4); adds C.Cr.P. Art. 320(L) and R.S. 15:574.2(A)(6))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Add proposed law relative to a global positioning monitoring system as a condition of release on bail under certain circumstances.
2. Provide that certain provisions of present law and proposed law apply to offenses "committed against any person."
3. Add certain children to the definition of "family members" for purposes of present law relative to domestic abuse assistance.
4. Make technical changes to conform citations in present law and proposed law to the conventions for citations applicable to the Code of Criminal Procedure.