

Regular Session, 2013

HOUSE BILL NO. 278

BY REPRESENTATIVES HODGES, BARROW, BERTHELOT, BILLIOT, BURFORD,
HENRY BURNS, CHAMPAGNE, CHANEY, CONNICK, GISCLAIR, GREENE,
GUILLORY, GUINN, HARRIS, HENRY, HILL, HOFFMANN, HOLLIS,
HOWARD, IVEY, JEFFERSON, KLECKLEY, LEBAS, LEGER, LORUSSO, JAY
MORRIS, ORTEGO, POPE, PUGH, REYNOLDS, RICHARD, RITCHIE,
SCHEXNAYDER, SEABAUGH, SIMON, STOKES, THOMPSON, WHITNEY,
AND PATRICK WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact Children's Code Article 1569(A)(1) and to enact Children's Code
3 Article 603(1)(d), (26), and (27), relative to child abuse; to add coerced abortion to
4 the definition of abuse; to define abortion; to define coerced abortion; to authorize
5 a court to issue a temporary restraining order prohibiting activities associated with
6 a coerced abortion; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 1569(A)(1) is hereby amended and reenacted and
9 Children's Code Article 603(1)(d), (26), and (27) are hereby enacted to read as follows:

10 Art. 603. Definitions

11 As used in this Title:

12 (1) "Abuse" means any one of the following acts which seriously endanger
13 the physical, mental, or emotional health and safety of the child:

14 * * *

15 (d) A coerced abortion conducted upon a child.

16 * * *

17 (26) "Abortion" means that procedure as defined in R.S. 40:1299.35.1.

18 (27) "Coerced abortion" means the use of force, intimidation, threat of force,
19 threat of deprivation of food and shelter, or the deprivation of food and shelter by a

1 parent or any other person in order to compel a female child to undergo an abortion
2 against her will.

3 * * *

4 Art. 1569. Temporary restraining order

5 A. Upon good cause shown in an ex parte proceeding, the court may enter
6 a temporary restraining order, without bond, as it deems necessary to protect from
7 abuse the petitioner, any children, or any person alleged to be an incompetent.
8 Immediate and present danger of abuse shall constitute good cause for purposes of
9 this Article. The order may include but is not limited to the following:

10 (1)(a) Directing the defendant to refrain from abusing, harassing, or
11 interfering with the person or employment or going near the residence or place of
12 employment of the petitioner, the children, or any person alleged to be incompetent,
13 on whose behalf a petition was filed under this Chapter.

14 (b) Directing the defendant to refrain from activities associated with a
15 coerced abortion as defined in Article 603.

16 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____