

Regular Session, 2014

HOUSE BILL NO. 750

BY REPRESENTATIVE MORENO

FAMILY VIOLENCE: Provides relative to restraining orders, protective orders, and injunctions issued in conjunction with domestic abuse cases

1 AN ACT

2 To amend and reenact R.S. 9:366(A) and 372(B) and (C), R.S. 14:79(B), (C), (E), and (F),

3 R.S. 46:2135(G) and (H), 2136(E), (G), and (H), 2136.2(A) and (D), and 2140,

4 Children's Code Articles 1569(H) and (I) and 1570(E), (G), and (H), Code of Civil

5 Procedure Article 3607.1, and Code of Criminal Procedure Articles 30(B), 327.1,

6 335.2(C), and 871.1 and to enact R.S. 14:79(A)(3)(d), relative to protective orders

7 issued in conjunction with cases of domestic abuse; to provide relative to the

8 procedures for filing Uniform Abuse Prevention Orders in the Louisiana Protective

9 Order Registry; to provide relative to the duties of judges and the Judicial

10 Administrator's Office of the Louisiana Supreme Court relative to the issuance of

11 temporary restraining orders, preliminary or permanent injunctions, and protective

12 orders; to amend the crime of violation of protective orders to include the willful

13 disobedience of a Uniform Abuse Prevention Order; to provide relative to the

14 penalties for violations of protective orders; to provide relative to the duty of law

15 enforcement with regard to enforcing protective orders and violations of protective

16 orders; to provide relative to the determination by law enforcement of the

17 predominant aggressor in domestic abuse cases; to provide for a rebuttable

18 presumption regarding the predominant aggressor; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 9:366(A) and 372(B) and (C) are hereby amended and reenacted to  
3 read as follows:

4 §366. Injunctions

5 A. All separation, divorce, child custody, and child visitation orders and  
6 judgments in family violence cases shall contain an injunction as defined in R.S.  
7 9:362. Upon issuance of such injunction, the judge shall cause to have prepared a  
8 Uniform Abuse Prevention Order as provided in R.S. 46:2136.2(C), shall sign such  
9 order, and shall immediately forward it to the clerk of court for filing and to the  
10 Judicial Administrator's Office, Louisiana Supreme Court for entry into the  
11 Louisiana Protective Order Registry, R.S. 46:2136.2(A), all without delay. ~~The clerk~~  
12 of the issuing court shall transmit Transmittal of the Uniform Abuse Prevention  
13 Order to the Louisiana Protective Order Registry, R.S. 46:2136.2(A), by the judge  
14 shall be by facsimile transmission, ~~mail~~, or direct electronic input, where available,  
15 as expeditiously as possible, but no later than the end of the ~~next~~ business day ~~after~~  
16 on which the order was issued ~~is filed with the clerk of court. The judge shall also~~  
17 send a copy of the Uniform Abuse Prevention Order, R.S. 46:2136.2(C), or any  
18 modification thereof, to the chief law enforcement official of the parish where the  
19 person or persons protected by the order reside. A copy of the Uniform Abuse  
20 Prevention Order shall be retained on file in the office of the chief law enforcement  
21 officer until otherwise directed by the court.

22 \* \* \*

23 §372. Injunction against abuse; form; central registry

24 \* \* \*

25 B. Immediately upon rendering a decision granting relief provided in  
26 Subsection A of this Section, the judge shall cause to have prepared a Uniform  
27 Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and  
28 shall immediately forward it to the clerk of court for filing and to the Judicial  
29 Administrator's Office, Louisiana Supreme Court for entry into the Louisiana

1 Protective Order Registry, R.S. 46:2136.2(A), all without delay. The judge shall also  
2 send a copy of the Uniform Abuse Prevention Order, R.S. 46:2136.2(C), or any  
3 modification thereof, to the chief law enforcement official of the parish where the  
4 person or persons protected by the order reside. A copy of the Uniform Abuse  
5 Prevention Order shall be retained on file in the office of the chief law enforcement  
6 officer until otherwise directed by the court.

7 C. ~~The clerk of the issuing court shall transmit~~ Transmittal of the Uniform  
8 Abuse Prevention Order to the Louisiana Protective Order Registry, R.S.  
9 46:2136.2(A), by the judge shall be by facsimile transmission, ~~mail~~, or direct  
10 electronic input, where available, as expeditiously as possible, but no later than the  
11 end of the ~~next business day after on which~~ the order was issued ~~is filed with the~~  
12 ~~clerk of court.~~

13 Section 2. R.S. 14:79(B), (C), (E), and (F) are hereby amended and reenacted and  
14 R.S. 14:79(A)(3)(d) is hereby enacted to read as follows:

15 §79. Violation of protective orders

16 A.

17 \* \* \*

18 (3) Violation of protective orders shall also include the willful disobedience  
19 of the following:

20 \* \* \*

21 (d) A Uniform Order of Protection from Abuse in the Louisiana Protective  
22 Order Registry.

23 B.(1) On a first conviction for violation of protective orders which does not  
24 involve a battery ~~to~~ or any act that is enumerated as a crime of violence pursuant to  
25 R.S. 14:2(B) against the person protected by the protective order, the offender shall  
26 be fined not more than five hundred dollars or imprisoned for not more than six  
27 months, or both.

28 (2) On a second conviction for violation of protective orders which does not  
29 involve a battery ~~to~~ or any act that is enumerated as a crime of violence pursuant to

1        R.S. 14:2(B) against the person protected by the protective order, regardless of  
2        whether the second offense occurred before or after the first conviction, the offender  
3        shall be fined not more than one thousand dollars and imprisoned for not less than  
4        forty-eight hours nor more than six months. At least forty-eight hours of the  
5        sentence of imprisonment imposed under this Paragraph shall be without benefit of  
6        probation, parole, or suspension of sentence. If a portion of the sentence is imposed  
7        with benefit of probation, parole, or suspension of sentence, the court shall require  
8        the offender to participate in a court-approved domestic abuse counseling program.

9            (3) On a third or subsequent conviction for violation of protective orders  
10        which does not involve a battery ~~to~~ or any act that is enumerated as a crime of  
11        violence pursuant to R.S. 14:2(B) against the person protected by the protective  
12        order, regardless of whether the current offense occurred before or after the earlier  
13        convictions, the offender shall be fined not more than one thousand dollars and  
14        imprisoned for not less than fourteen days nor more than six months. At least  
15        fourteen days of the sentence of imprisonment imposed under this Paragraph shall  
16        be without benefit of probation, parole, or suspension of sentence. If a portion of the  
17        sentence is imposed with benefit of probation, parole, or suspension of sentence, the  
18        court shall require the offender to participate in a court-approved domestic abuse  
19        counseling program, unless the offender has previously been required to participate  
20        in such program and, in the discretion of the judge, the offender would not benefit  
21        from such counseling.

22            C.(1) Whoever is convicted of the offense of violation of protective orders  
23        where the violation involves a battery ~~to~~ or any act that is enumerated as a crime of  
24        violence pursuant to R.S. 14:2(B) against the person protected by the protective  
25        order, and who has not been convicted of violating a protective order or of an assault  
26        or battery upon the person protected by the protective order within the five years  
27        prior to commission of the instant offense, shall be fined not more than five hundred  
28        dollars and imprisoned for not less than fourteen days nor more than six months. At  
29        least fourteen days of the sentence of imprisonment imposed under this Paragraph

1 shall be without benefit of probation, parole, or suspension of sentence. If a portion  
2 of the sentence is imposed with benefit of probation, parole, or suspension of  
3 sentence, the court shall require the offender to participate in a court-approved  
4 domestic abuse counseling program as part of that probation.

5 (2) Whoever is convicted of the offense of violation of protective orders  
6 where the violation involves a battery ~~to~~ or any act that is enumerated as a crime of  
7 violence pursuant to R.S. 14:2(B) against the person for whose benefit the protective  
8 order is in effect, and who has been convicted not more than one time of violating  
9 a protective order or of an assault or battery upon the person for whose benefit the  
10 protective order is in effect within the five-year period prior to commission of the  
11 instant offense, regardless of whether the instant offense occurred before or after the  
12 earlier convictions, shall be fined not more than one thousand dollars and imprisoned  
13 for not less than three months nor more than six months. At least fourteen days of  
14 the sentence of imprisonment imposed under this Paragraph shall be without benefit  
15 of probation, parole, or suspension of sentence. If a portion of the sentence is  
16 imposed with benefit of probation, parole, or suspension of sentence, the court shall  
17 require the offender to participate in a court-approved domestic abuse counseling  
18 program, unless the offender has previously been required to participate in such  
19 program and, in the discretion of the court, the offender would not benefit from such  
20 counseling.

21 (3) Whoever is convicted of the offense of violation of protective orders  
22 where the violation involves a battery ~~to~~ or any act that is enumerated as a crime of  
23 violence pursuant to R.S. 14:2(B) against the person for whose benefit the protective  
24 order is in effect, and who has more than one conviction of violating a protective  
25 order or of an assault or battery upon the person for whose benefit the protective  
26 order is in effect during the five-year period prior to commission of the instant  
27 offense, regardless of whether the instant offense occurred before or after the earlier  
28 convictions, the offender shall be fined not more than two thousand dollars and  
29 imprisoned with or without hard labor for not less than one year nor more than five

1 years. At least one year of the sentence of imprisonment imposed under this  
2 Paragraph shall be without benefit of probation, parole, or suspension of sentence.

3 \* \* \*

4 E.(1) Law enforcement officers shall use every reasonable means, including  
5 but not limited to immediate arrest of the violator, to enforce a preliminary or  
6 permanent injunction or protective order obtained pursuant to R.S. 9:361 et seq., R.S.  
7 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code  
8 of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles  
9 327.1, ~~335.1~~ 335.2, and 871.1 after a contradictory court hearing, or to enforce a  
10 temporary restraining order or ex parte protective order issued pursuant to R.S. 9:361  
11 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564  
12 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal  
13 Procedure Articles 327.1 and ~~335.1~~ 335.2 if the defendant has been given notice of  
14 the temporary restraining order or ex parte protective order by service of process as  
15 required by law.

16 (2) Law enforcement officers shall immediately arrest a person in violation  
17 of a temporary restraining order, a preliminary or permanent injunction, or a  
18 protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et  
19 seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of Civil Procedure  
20 Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.2,  
21 and 871.1.

22 F. This Section shall not be construed to bar or limit the effect of any other  
23 criminal statute or civil remedy.

24 \* \* \*

25 Section 3. R.S. 46:2135(G) and (H), 2136(E), (G), and (H), 2136.2(A) and (D), and  
26 2140 are hereby amended and reenacted to read as follows:

27 §2135. Temporary restraining order

28 \* \* \*









1 (3) Assisting the abused person in obtaining medical treatment necessitated  
2 by the battery; arranging for, or providing, or assisting in the procurement of  
3 transportation for the abused person to a place of shelter or safety.

4 (4) Notifying the abused person of his right to initiate criminal or civil  
5 proceedings; the availability of the protective order, R.S. 46:2136; and the  
6 availability of community assistance for domestic violence victims.

7 ~~B.C.~~(1) When a law enforcement officer receives conflicting accounts of  
8 domestic abuse or dating violence, the officer shall evaluate each account separately  
9 to determine if one party was the predominant aggressor.

10 (2) In determining if one party is the predominant aggressor, the law  
11 enforcement officer may consider any other relevant factors, but shall consider the  
12 following factors based upon his or her observation:

13 (a) Evidence from complainants and other witnesses.

14 (b) The extent of personal injuries received by each person.

15 (c) Whether a person acted in self-defense.

16 (d) An imminent threat of future injury to any of the parties.

17 (e) Prior complaints of domestic abuse or dating violence, if that history can  
18 be reasonably ascertained by the officer.

19 (f) The future welfare of any minors who are present at the scene.

20 (g) The existence of a temporary restraining order, a preliminary or  
21 permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S.  
22 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code  
23 of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles  
24 30, 327.1, 335.2, and 871.1. There shall be a rebuttable presumption that the  
25 predominant aggressor is the person against whom the order was filed.

26 (3)(a) If the officer determines that one person was the predominant  
27 aggressor in a felony offense, the officer shall arrest that person. The arrest shall be  
28 subject to the laws governing arrest, including the need for probable cause as  
29 otherwise provided by law.

1 (b) If the officer determines that one person was the predominant aggressor  
 2 in a misdemeanor offense, the officer shall arrest the predominant aggressor if there  
 3 is reason to believe that there is impending danger or if the predominant aggressor  
 4 is in violation of a temporary restraining order, a preliminary or permanent  
 5 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,  
 6 R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of  
 7 Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles  
 8 30, 327.1, 335.2, and 871.1. If there is no threat of impending danger or no violation  
 9 of a temporary restraining order, a preliminary or permanent injunction, or a  
 10 protective order, the officer may arrest the predominant aggressor at the officer's  
 11 discretion, whether or not the offense occurred in the presence of the officer. An  
 12 arrest pursuant to the provisions of this Subparagraph shall be subject to the laws  
 13 governing arrest, including the need for probable cause as otherwise provided by  
 14 law. The exceptions provided for in R.S. 46:2140 shall apply.

15 (4) As used in this Subsection:

16 (a) "Dating violence" has the meaning as defined in R.S. 46:2151(C).

17 (b) "Domestic abuse" has the meaning as defined in R.S. 46:2132(3).

18 Section 4. Children's Code Articles 1569(H) and (I) and 1570(E), (G), and (H) are  
 19 hereby amended and reenacted to read as follows:

20 Art. 1569. Temporary restraining order

21 \* \* \*

22 H. Immediately upon rendering a decision granting the relief requested by  
 23 the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention  
 24 Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately  
 25 forward it to the clerk of court for filing and to the Judicial Administrator's Office,  
 26 Louisiana Supreme Court for entry into the Louisiana Protective Order Registry, R.S.  
 27 46:2136.2(A), all without delay. The judge shall also send a copy of the Uniform  
 28 Abuse Prevention Order, R.S. 46:2136.2(C), or any modification thereof, to the chief  
 29 law enforcement official of the parish where the person or persons protected by the

1 order reside. A copy of the Uniform Abuse Prevention Order shall be retained on  
2 file in the office of the chief law enforcement officer until otherwise directed by the  
3 court.

4 I. ~~If a temporary restraining order is issued or extended, the clerk of the~~  
5 ~~issuing court shall transmit~~ Transmittal of the Uniform Abuse Prevention Order to  
6 the Louisiana Protective Order Registry, R.S. 46:2136.2(A), by facsimile  
7 transmission, ~~mail,~~ or direct electronic input, where available, as expeditiously as  
8 possible, but no later than the end of the ~~next~~ business day ~~after~~ on which the order  
9 was issued ~~is filed with the clerk of court.~~

10 Art. 1570. Protective orders; content; modification; service

11 \* \* \*

12 E. A protective order made under this Chapter shall be served on the person  
13 to whom the order applied in open court at the close of the hearing, or in the same  
14 manner as a writ of injunction. ~~The clerk of the issuing court shall send a copy of~~  
15 ~~the Uniform Abuse Prevention Order, R.S. 46:2136.2(C), or any modification thereof~~  
16 ~~to the chief law enforcement official of the parish where the person or persons~~  
17 ~~protected by the order reside. A copy of the Uniform Abuse Prevention Order shall~~  
18 ~~be retained on file in the office of the chief law enforcement officer as provided~~  
19 ~~herein until otherwise directed by the court.~~

20 \* \* \*

21 G. Immediately upon rendering a decision granting the relief requested by  
22 the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention  
23 Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately  
24 forward it to the clerk of court for filing and to the Judicial Administrator's Office,  
25 Louisiana Supreme Court for entry into the Louisiana Protective Order Registry, R.S.  
26 46:2136.2(A), all without delay. The judge shall also send a copy of the Uniform  
27 Abuse Prevention Order, R.S. 46:2136.2(C), or any modification thereof, to the chief  
28 law enforcement official of the parish where the person or persons protected by the  
29 order reside. A copy of the Uniform Abuse Prevention Order shall be retained on

1 file in the office of the chief law enforcement officer until otherwise directed by the  
2 court.

3 H. ~~If a protective order is issued or modified, or a consent agreement is~~  
4 ~~agreed to or modified, the clerk of the issuing court shall transmit~~ Transmittal of the  
5 Uniform Abuse Prevention Order to the Louisiana Protective Order Registry, R.S.  
6 46:2136.2(A), by facsimile transmission, ~~mail~~, or direct electronic input, where  
7 available, as expeditiously as possible, but no later than the end of the ~~next~~ business  
8 day ~~after on which the order was issued is filed with the clerk of court.~~

9 \* \* \*

10 Section 5. Code of Civil Procedure Article 3607.1 is hereby amended and reenacted  
11 to read as follows:

12 Art. 3607.1. Registry of temporary restraining order, preliminary injunction or  
13 permanent injunction, ~~their dissolution or modification~~

14 A. Immediately upon rendering a decision granting the petitioner a  
15 temporary restraining order or a preliminary or permanent injunction prohibiting a  
16 person from harming a family or household member or dating partner, the judge shall  
17 cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S.  
18 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of  
19 court for filing and to the Judicial Administrator's Office, Louisiana Supreme Court  
20 for entry into the Louisiana Protective Order Registry, R.S. 46:2136.2(A), all without  
21 delay. The judge shall also send a copy of the Uniform Abuse Prevention Order,  
22 R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement official  
23 of the parish where the person or persons protected by the order reside. A copy of  
24 the Uniform Abuse Prevention Order shall be retained on file in the office of the  
25 chief law enforcement officer until otherwise directed by the court.

26 B. ~~Where a temporary restraining order, preliminary injunction, or~~  
27 ~~permanent injunction relative to domestic abuse or dating violence is issued,~~  
28 ~~dissolved, or modified, the clerk of court shall transmit~~ Transmittal of the Uniform  
29 Abuse Prevention Order to the Louisiana Protective Order Registry, R.S.



1 abuse, stalking, or dating violence, 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 and to the Judicial  
 4 Administrator's Office, Louisiana Supreme Court for entry into the Louisiana  
 5 Protective Order Registry, R.S. 46:2136.2(A), all without delay. The judge shall also  
 6 send a copy of the Uniform Abuse Prevention Order, R.S. 46:2136.2(C), or any  
 7 modification thereof, to the chief law enforcement official of the parish where the  
 8 person or persons protected by the order reside. A copy of the Uniform Abuse  
 9 Prevention Order shall be retained on file in the office of the chief law enforcement  
 10 officer until otherwise directed by the court. ~~The clerk of the issuing court shall~~  
 11 transmit Transmittal of the Uniform Abuse Prevention Order to the Louisiana  
 12 Protective Order Registry, R.S. 46:2136.2(A), by the judge shall be by facsimile  
 13 transmission, ~~mail~~, or direct electronic input, where available, as expeditiously as  
 14 possible, but no later than the end of the ~~next~~ business day after on which the order  
 15 was issued ~~is filed with the clerk of court.~~

\* \* \*

Art. 335.2. Stalking; conditions of release

\* \* \*

19 C. If, as part of a bail restriction, an order is issued pursuant to the provisions  
 20 of this Article, the judge shall cause to have prepared a Uniform Abuse Prevention  
 21 Order, as provided in R.S. 46:2136.2, shall sign such order, and shall immediately  
 22 forward it to the clerk of court for filing and to the Judicial Administrator's Office,  
 23 Louisiana Supreme Court for entry into the Louisiana Protective Order Registry, R.S.  
 24 46:2136.2(A), all without delay. The judge shall also send a copy of the Uniform  
 25 Abuse Prevention Order, R.S. 46:2136.2(C), or any modification thereof, to the chief  
 26 law enforcement official of the parish where the person or persons protected by the  
 27 order reside. A copy of the Uniform Abuse Prevention Order shall be retained on  
 28 file in the office of the chief law enforcement officer until otherwise directed by the  
 29 court. ~~The clerk of the issuing court shall transmit Transmittal of the Uniform Abuse~~

1 Prevention Order to the Louisiana Protective Order Registry, R.S. 46:2136.2(A), by  
2 the judge shall be by facsimile transmission, ~~mail~~, or direct electronic input, where  
3 available, as expeditiously as possible, but no later than the end of the ~~next~~ business  
4 day ~~after~~ on which the order was issued ~~is filed with the clerk of court.~~

5 \* \* \*

6 Art. 871.1. Sentencing orders to be sent to Louisiana Protective Order Registry

7 If part of the sentence contains an order for the purpose of preventing violent  
8 or threatening acts or harassment against, contact or communication with, or physical  
9 proximity to, another person in order to prevent domestic abuse or dating violence,  
10 the judge shall cause to have prepared a Uniform Abuse Prevention Order, as  
11 provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward  
12 it to the clerk of court for filing and to the Judicial Administrator's Office, Louisiana  
13 Supreme Court for entry into the Louisiana Protective Order Registry, R.S.  
14 46:2136.2(A), all without delay. The judge shall also send a copy of the Uniform  
15 Abuse Prevention Order, R.S. 46:2136.2(C), or any modification thereof, to the chief  
16 law enforcement official of the parish where the person or persons protected by the  
17 order reside. A copy of the Uniform Abuse Prevention Order shall be retained on  
18 file in the office of the chief law enforcement officer until otherwise directed by the  
19 court. The clerk of the issuing court shall transmit Transmittal of the Uniform Abuse  
20 Prevention Order to the Louisiana Protective Order Registry, R.S. 46:2136.2(A), by  
21 the judge shall be by facsimile transmission, ~~mail~~, or direct electronic input, where  
22 available, as expeditiously as possible, but no later than the end of the ~~next~~ business  
23 day ~~after~~ on which the order was issued ~~is filed with the clerk of court.~~

---

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)]

---

Moreno

HB No. 750

**Abstract:** Provides relative to restraining orders, protective orders, and injunctions issued in conjunction with domestic abuse cases.



Present law provides that the La. Protective Order Registry is a statewide registry for abuse prevention orders to prevent domestic and dating violence and to aid law enforcement, prosecutors, and the courts in handling cases of domestic violence.

Present law provides that any judge issuing any protective or restraining order shall cause to have prepared a Uniform Abuse Prevention Order, or "Uniform Order", which shall be forwarded to the clerk of court for filing. The clerk of court for the issuing court shall then transmit the Uniform Abuse Prevention Order to the La. Protective Order Registry by facsimile, mail, or direct electronic input no later than the end of the next business day after the order is filed with the clerk of court. Upon receipt of such orders, present law requires Judicial Administrator's Office to enter the information into the Registry.

Proposed law retains present law but adds the requirement that the judge who prepares the Uniform Abuse Prevention Order, in addition to forwarding it to the clerk of court for filing, shall also forward the Uniform Abuse Prevention Order to the Judicial Administrator's Office of the La. Supreme Court for entry into the registry and shall provide a copy to the chief law enforcement official of the parish where the person or persons protected by the order reside. Proposed law amends present law and further provides that the transmittal of the Uniform Abuse Prevention Order shall be by facsimile or direct electronic input no later than the end of the business day on which the order was issued.

Proposed law requires the Judicial Administrator's Office to immediately enter such orders into the registry.

Present law provides that the crime of violation of protective orders includes the willful disobedience of an order issued to require a defendant to stay away from a specific person or persons as a condition of his release on bond, probation, or parole.

Proposed law expands the crime of violation of protective orders to include the willful disobedience of a Uniform Abuse Prevention Order in the registry.

Present law provides increased penalties for violations of protective orders which involve a battery against the person who is protected by the protective order.

Proposed law amends present law to provide that the increased penalties apply for violations of protective orders that involve a battery or any act that is enumerated as a crime of violence against the person.

Present law provides that law enforcement officers shall use every reasonable means, including but not limited to immediate arrest of the violator, to enforce a preliminary or permanent injunction, a temporary restraining order or ex parte protective order, or a protective order obtained pursuant to present law.

Proposed law retains present law but provides that law enforcement officers shall immediately arrest a person in violation of a protective order.

Present law provides for the duties of law enforcement relative to domestic abuse and provides that when the officer has reason to believe that a family or household member or dating partner has been abused, the officer shall immediately use all reasonable means to prevent further abuse.

Proposed law retains present law and provides that whenever a law enforcement officer has reason to believe that a family or household member or dating partner has been abused and the abusing party is in violation of a protective order issued pursuant to present law, the officer shall immediately arrest the abusing party.

Present law provides guidelines for the law enforcement officer to determine which party in a domestic dispute is the predominant aggressor. In making this determination, present law requires law enforcement to consider certain factors.

Proposed law retains present law and requires the law enforcement to also consider the existence of a protective order and further provides that there shall be a rebuttable presumption that the predominant aggressor is the person against whom the order was filed.

Present law provides that when the officer determines that one person was the predominant aggressor in a misdemeanor offense, the officer shall arrest the predominant aggressor if there is reason to believe there is impending danger; otherwise, the officer has discretion in whether to make the arrest.

Proposed law retains present law and requires the officer to also make an arrest if the predominant aggressor is in violation of a protective order.

(Amends R.S. 9:366(A) and 372(B) and (C), R.S. 14:79(B), (C), (E), and (F), R.S. 46:2135(G) and (H), 2136(E), (G), and (H), 2136.2(A) and (D), and 2140, Ch.C. Arts. 1569(H) and (I) and 1570(E), (G), and (H), C.C.P. Art. 3607.1, and C.Cr.P. Arts. 30(B), 327.1, 335.2(C), and 871.1; Adds R.S. 14:79(A)(3)(d))