
DIGEST

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Alfred Williams

HB No. 338

Abstract: Extends the effective period of a temporary restraining order when the hearing on the issue of a preliminary injunction is continued due to a declared state of emergency.

Present law authorizes the issuance of a temporary restraining order effective for a specific period of time during the pendency of an action for a preliminary injunction.

Proposed law retains present law and provides that in the event that the hearing on the issuance of a preliminary injunction is continued by the court because of a declared state of emergency, any temporary restraining order issued in the matter shall remain in force for five days after the issuance of the executive order declaring the state of emergency and requires the hearing on the issuance of the preliminary injunction to be rescheduled at the earliest possible time, but no later than five days after the date of issuance of the executive order declaring the state of emergency.

(Amends C.C.P. Art. 3606)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Specified that the temporary restraining order will remain in force for five days after the issuance of the executive order declaring the state of emergency, and requires the hearing to be reset within the same five days. Further required the resetting to take precedence over other matters and required the court to dissolve the temporary restraining order if the party who obtained the restraining order does not proceed with the application on the date the matter is reset.