

Regular Session, 2014

HOUSE BILL NO. 750

BY REPRESENTATIVES MORENO, ADAMS, BADON, BARROW, BERTHELOT, BILLIOT, WESLEY BISHOP, BROSSETT, BROWN, HENRY BURNS, TIM BURNS, BURRELL, CARTER, CHAMPAGNE, CONNICK, COX, DIXON, EDWARDS, FOIL, GAINES, GISCLAIR, GUILLORY, HARRIS, HAZEL, HENRY, HENSGENS, HILL, HONORE, HOWARD, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, NANCY LANDRY, TERRY LANDRY, LEGER, LEOPOLD, LORUSSO, MILLER, MONToucET, JAY MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, POPE, PRICE, PYLANT, REYNOLDS, RICHARD, RITCHIE, SCHEXNAYDER, SCHRODER, SHADOIN, SMITH, ST. GERMAIN, THIBAUT, THIERRY, ALFRED WILLIAMS, WILLMOTT, AND WOODRUFF AND SENATORS ALARIO, APPEL, BROOME, BROWN, BUFFINGTON, DONAHUE, DORSEY-COLOMB, ERDEY, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, RISER, GARY SMITH, WALSWORTH, AND WARD

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, relative to protective orders issued in conjunction with cases of
7 domestic abuse; to provide relative to the procedures for filing Uniform Abuse
8 Prevention Orders in the Louisiana Protective Order Registry; to provide relative to
9 the duties of judges, clerks of court, and the Judicial Administrator's Office of the
10 Louisiana Supreme Court relative to the issuance of temporary restraining orders,
11 preliminary or permanent injunctions, and protective orders; to provide relative to
12 the penalties for violations of protective orders; to provide relative to the duty of law
13 enforcement with regard to enforcing protective orders and violations of protective
14 orders; to provide relative to the determination by law enforcement of the
15 predominant aggressor in domestic abuse cases; to provide for a presumption
16 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, ~~all without~~
10 ~~delay on the day that the order is issued.~~ The clerk of the issuing court shall transmit
11 the Uniform Abuse Prevention Order to the Judicial Administrator's Office,
12 Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as
13 provided in R.S. 46:2136.2(A), by facsimile transmission, ~~mail,~~ or direct electronic
14 input, ~~where available,~~ as expeditiously as possible, but no later than the end of the
15 next business day after the order is filed with the clerk of court. The clerk of the
16 issuing court shall also send a copy of the Uniform Abuse Prevention Order, as
17 provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law
18 enforcement officer of the parish where the person or persons protected by the order
19 reside by facsimile transmission or direct electronic input as expeditiously as
20 possible, but no later than the end of the next business day after the order is filed
21 with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be
22 retained on file in the office of the chief law enforcement officer until otherwise
23 directed by the court.

24 * * *

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

26 * * *

27 B. Immediately upon rendering a decision granting relief provided in
28 Subsection A of this Section, the judge shall cause to have prepared a Uniform
29 Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and

1 shall immediately forward it to the clerk of court for filing, ~~all without delay~~ on the
2 day that the order is issued.

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

16 Section 2. R.S. 14:79(B), (C), (E), and (F) are hereby amended and reenacted to
17 read as follows:

18 §79. Violation of protective orders

19 * * *

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

24 (2) On a second conviction for violation of protective orders which does not
25 involve a battery ~~to~~ or any crime of violence as defined by R.S. 14:2(B) against the
26 person protected by the protective order, regardless of whether the second offense
27 occurred before or after the first conviction, the offender shall be fined not more than
28 one thousand dollars and imprisoned for not less than forty-eight hours nor more
29 than six months. At least forty-eight hours of the sentence of imprisonment imposed
30 under this Paragraph shall be without benefit of probation, parole, or suspension of

1 sentence. If a portion of the sentence is imposed with benefit of probation, parole,
 2 or suspension of sentence, the court shall require the offender to participate in a
 3 court-approved domestic abuse counseling program.

4 (3) On a third or subsequent conviction for violation of protective orders
 5 which does not involve a battery ~~to~~ or any crime of violence as defined by R.S.
 6 14:2(B) against the person protected by the protective order, regardless of whether
 7 the current offense occurred before or after the earlier convictions, the offender shall
 8 be fined not more than one thousand dollars and imprisoned for not less than
 9 fourteen days nor more than six months. At least fourteen days of the sentence of
 10 imprisonment imposed under this Paragraph shall be without benefit of probation,
 11 parole, or suspension of sentence. If a portion of the sentence is imposed with
 12 benefit of probation, parole, or suspension of sentence, the court shall require the
 13 offender to participate in a court-approved domestic abuse counseling program,
 14 unless the offender has previously been required to participate in such program and,
 15 in the discretion of the judge, the offender would not benefit from such counseling.

16 C.(1) Whoever is convicted of the offense of violation of protective orders
 17 where the violation involves a battery ~~to~~ or any crime of violence as defined by R.S.
 18 14:2(B) against the person protected by the protective order, and who has not been
 19 convicted of violating a protective order or of an assault or battery upon the person
 20 protected by the protective order within the five years prior to commission of the
 21 instant offense, shall be fined not more than five hundred dollars and imprisoned for
 22 not less than fourteen days nor more than six months. At least fourteen days of the
 23 sentence of imprisonment imposed under this Paragraph shall be without benefit of
 24 probation, parole, or suspension of sentence. If a portion of the sentence is imposed
 25 with benefit of probation, parole, or suspension of sentence, the court shall require
 26 the offender to participate in a court-approved domestic abuse counseling program
 27 as part of that probation.

28 (2) Whoever is convicted of the offense of violation of protective orders
 29 where the violation involves a battery ~~to~~ or any crime of violence as defined by R.S.
 30 14:2(B) against the person for whose benefit the protective order is in effect, and

1 who has been convicted not more than one time of violating a protective order or of
 2 an assault or battery upon the person for whose benefit the protective order is in
 3 effect within the five-year period prior to commission of the instant offense,
 4 regardless of whether the instant offense occurred before or after the earlier
 5 convictions, shall be fined not more than one thousand dollars and imprisoned for not
 6 less than three months nor more than six months. At least fourteen days of the
 7 sentence of imprisonment imposed under this Paragraph shall be without benefit of
 8 probation, parole, or suspension of sentence. If a portion of the sentence is imposed
 9 with benefit of probation, parole, or suspension of sentence, the court shall require
 10 the offender to participate in a court-approved domestic abuse counseling program,
 11 unless the offender has previously been required to participate in such program and,
 12 in the discretion of the court, the offender would not benefit from such counseling.

13 (3) Whoever is convicted of the offense of violation of protective orders
 14 where the violation involves a battery ~~to~~ or any crime of violence as defined by R.S.
 15 14:2(B) against the person for whose benefit the protective order is in effect, and
 16 who has more than one conviction of violating a protective order or of an assault or
 17 battery upon the person for whose benefit the protective order is in effect during the
 18 five-year period prior to commission of the instant offense, regardless of whether the
 19 instant offense occurred before or after the earlier convictions, the offender shall be
 20 fined not more than two thousand dollars and imprisoned with or without hard labor
 21 for not less than one year nor more than five years. At least one year of the sentence
 22 of imprisonment imposed under this Paragraph shall be without benefit of probation,
 23 parole, or suspension of sentence.

24 * * *

25 E.(1) Law enforcement officers shall use every reasonable means, including
 26 but not limited to immediate arrest of the violator, to enforce a preliminary or
 27 permanent injunction or protective order obtained pursuant to R.S. 9:361 et seq., R.S.
 28 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code
 29 of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles
 30 327.1, ~~335.1~~ 335.2, and 871.1 after a contradictory court hearing, or to enforce a

1 temporary restraining order or ex parte protective order issued pursuant to R.S. 9:361
2 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564
3 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal
4 Procedure Articles 327.1 and ~~335.1~~ 335.2 if the defendant has been given notice of
5 the temporary restraining order or ex parte protective order by service of process as
6 required by law.

7 (2) Law enforcement officers shall at a minimum issue a summons to the
8 person in violation of a temporary restraining order, a preliminary or permanent
9 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,
10 R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of
11 Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles
12 30, 327.1, 335.2, and 871.1.

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

15 * * *

16 Section 3. R.S. 46:2135(G) and (H), 2136(E), (G), and (H), 2136.2(A) and (D), and
17 2140 are hereby amended and reenacted to read as follows:

18 §2135. Temporary restraining order

19 * * *

20 G. Immediately upon entering a temporary restraining order, the judge shall
21 cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S.
22 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of
23 court for filing, ~~all without delay~~ on the day that the order is issued.

24 H. The clerk of the issuing court shall transmit the Uniform Abuse
25 Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court,
26 for entry into the Louisiana Protective Order Registry, as provided in R.S.
27 46:2136.2(A), by facsimile transmission, ~~mail~~, or direct electronic input, ~~where~~
28 ~~available~~, as expeditiously as possible, but no later than the end of the next business
29 day after the order is filed with the clerk of court. The clerk of the issuing court shall
30 also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.

1 seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of Civil Procedure
 2 Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.2,
 3 and 871.1, the officer shall immediately arrest the abusing party.

4 B. ~~Whenever~~ If a law enforcement officer has reason to believe that a family
 5 or household member or dating partner has been abused, and the abusing party is not
 6 in violation of a restraining order, a preliminary or permanent injunction, or a
 7 protective order, the officer shall immediately use all reasonable means to prevent
 8 further abuse, including:

9 (1) Arresting the abusive party with a warrant or without a warrant pursuant
 10 to Code of Criminal Procedure Article 213, if probable cause exists to believe that
 11 a felony has been committed by that person, whether or not the offense occurred in
 12 the officer's presence.

13 (2) Arresting the abusive party in case of any misdemeanor crime which
 14 endangers the physical safety of the abused person whether or not the offense
 15 occurred in the presence of the officer. If there is no cause to believe there is
 16 impending danger, arresting the abusive party is at the officer's discretion.

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

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

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

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

29 (a) Evidence from complainants and other witnesses.

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

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

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

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

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

6 (g) The existence of a temporary restraining order, a preliminary or
7 permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S.
8 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code
9 of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles
10 30, 327.1, 335.2, and 871.1. The officer shall presume that the predominant
11 aggressor is the person against whom the order was issued.

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

16 (b) If the officer determines that one person was the predominant aggressor
17 in a misdemeanor offense, the officer shall arrest the predominant aggressor if there
18 is reason to believe that there is impending danger or if the predominant aggressor
19 is in violation of a temporary restraining order, a preliminary or permanent
20 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,
21 R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of
22 Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles
23 30, 327.1, 335.2, and 871.1. If there is no threat of impending danger or no violation
24 of a temporary restraining order, a preliminary or permanent injunction, or a
25 protective order, the officer may arrest the predominant aggressor at the officer's
26 discretion, whether or not the offense occurred in the presence of the officer. An
27 arrest pursuant to the provisions of this Subparagraph shall be subject to the laws
28 governing arrest, including the need for probable cause as otherwise provided by
29 law. The exceptions provided for in ~~R.S. 46:2140~~ this Section shall apply.

30 (4) As used in this Subsection:

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

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

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

5 Art. 1569. Temporary restraining order

6 * * *

7 H. Immediately upon rendering a decision granting the relief requested by
8 the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention
9 Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately
10 forward it to the clerk of court for filing, all without delay on the day that the order
11 is issued.

12 I. If a temporary restraining order is issued or extended, the clerk of the
13 issuing court shall transmit the Uniform Abuse Prevention Order to the Judicial
14 Administrator's Office, Louisiana Supreme Court, for entry into the Louisiana
15 Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile
16 transmission, ~~mail,~~ or direct electronic input, ~~where available,~~ as expeditiously as
17 possible, but no later than the end of the next business day after the order is filed
18 with the clerk of court. The clerk of the issuing court shall also send a copy of the
19 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any
20 modification thereof, to the chief law enforcement officer of the parish where the
21 person or persons protected by the order reside by facsimile transmission or direct
22 electronic input as expeditiously as possible, but no later than the end of the next
23 business day after the order is filed with the clerk of court. A copy of the Uniform
24 Abuse Prevention Order shall be retained on file in the office of the chief law
25 enforcement officer until otherwise directed by the court.

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

27 * * *

28 E. A protective order made under this Chapter shall be served on the person
29 to whom the order applied in open court at the close of the hearing, or in the same
30 manner as a writ of injunction. ~~The clerk of the issuing court shall send a copy of~~

1 ~~the Uniform Abuse Prevention Order, R.S. 46:2136.2(C), or any modification thereof~~
 2 ~~to the chief law enforcement official of the parish where the person or persons~~
 3 ~~protected by the order reside. A copy of the Uniform Abuse Prevention Order shall~~
 4 ~~be retained on file in the office of the chief law enforcement officer as provided~~
 5 ~~herein until otherwise directed by the court.~~

* * *

7 G. Immediately upon rendering a decision granting the relief requested by
 8 the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention
 9 Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately
 10 forward it to the clerk of court for filing, ~~all without delay~~ on the day that the order
 11 is issued.

12 H. If a protective order is issued or modified, or a consent agreement is
 13 agreed to or modified, the clerk of the issuing court shall transmit the Uniform Abuse
 14 Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court,
 15 for entry into the Louisiana Protective Order Registry, as provided in R.S.
 16 46:2136.2(A), by facsimile transmission, ~~mail~~, or direct electronic input, ~~where~~
 17 ~~available~~, as expeditiously as possible, but no later than the end of the next business
 18 day after the order is filed with the clerk of court. The clerk of the issuing court shall
 19 also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.
 20 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of
 21 the parish where the person or persons protected by the order reside by facsimile
 22 transmission or direct electronic input as expeditiously as possible, but no later than
 23 the end of the next business day after the order is filed with the clerk of court. A
 24 copy of the Uniform Abuse Prevention Order shall be retained on file in the office
 25 of the chief law enforcement officer until otherwise directed by the court.

* * *

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

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

15 * * *

16 Art. 327.1. Bail restrictions to be transmitted to Louisiana Protective Order Registry

17 If, as part of a bail restriction, an order is issued for the purpose of preventing
 18 violent or threatening acts or harassment against, or contact or communication with
 19 or physical proximity to, another person for the purpose of preventing domestic
 20 abuse, stalking, or dating violence, the judge shall cause to have prepared a Uniform
 21 Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and
 22 shall forward it to the clerk of court for filing, ~~all without delay~~ by the end of the
 23 next business day after the order is issued. The clerk of the issuing court shall
 24 transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Office,
 25 Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as
 26 provided in R.S. 46:2136.2(A), by facsimile transmission, ~~mail,~~ or direct electronic
 27 input, ~~where available,~~ as expeditiously as possible, but no later than the end of the
 28 next business day after the order is filed with the clerk of court. The clerk of the
 29 issuing court shall also send a copy of the Uniform Abuse Prevention Order, as
 30 provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law

1 enforcement officer of the parish where the person or persons protected by the order
 2 reside by facsimile transmission or direct electronic input as expeditiously as
 3 possible, but no later than the end of the next business day after the order is filed
 4 with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be
 5 retained on file in the office of the chief law enforcement officer until otherwise
 6 directed by the court.

7 * * *

8 Art. 335.2. Stalking; conditions of release

9 * * *

10 C. If, as part of a bail restriction, an order is issued pursuant to the provisions
 11 of this Article, the judge shall cause to have prepared a Uniform Abuse Prevention
 12 Order, as provided in R.S. 46:2136.2, shall sign such order, and shall forward it to
 13 the clerk of court for filing, ~~all without delay~~ by the end of the next business day
 14 after the order is issued. The clerk of the issuing court shall transmit the Uniform
 15 Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme
 16 Court, for entry into the Louisiana Protective Order Registry, as provided in R.S.
 17 46:2136.2(A), by facsimile transmission, ~~mail,~~ or direct electronic input, ~~where~~
 18 available, as expeditiously as possible, but no later than the end of the next business
 19 day after the order is filed with the clerk of court. The clerk of the issuing court shall
 20 also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.
 21 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of
 22 the parish where the person or persons protected by the order reside by facsimile
 23 transmission or direct electronic input as expeditiously as possible, but no later than
 24 the end of the next business day after the order is filed with the clerk of court. A
 25 copy of the Uniform Abuse Prevention Order shall be retained on file in the office
 26 of the chief law enforcement officer until otherwise directed by the court.

27 * * *

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

29 If part of the sentence contains an order for the purpose of preventing violent
 30 or threatening acts or harassment against, contact or communication with, or physical

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____