
DIGEST

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HB 722 Reengrossed

2015 Regular Session

Billiot

Abstract: Provides relative to domestic abuse assistance, clarifies as to individuals protected and offenses included, provides relative to the issuance of temporary restraining orders and protective orders, and provides relative to duties of law enforcement.

Present law (R.S. 46:2131 et seq.) provides for domestic abuse assistance, hereinafter referred to as the "Domestic Abuse Assistance Act".

Present law provides that domestic abuse includes but is not limited to physical or sexual abuse as defined in the Criminal Code of Louisiana.

Proposed law retains present law but clarifies that domestic abuse may include a non-physical offense as defined in the Criminal Code of Louisiana.

Present law includes only family members and household members as possible victims of domestic abuse.

Proposed law adds dating partners as a possible victim of domestic abuse.

For purposes of the Domestic Abuse Assistance Act, proposed law provides that the term "dating partners" shall have the same meaning as provided in the present law Protection From Dating Violence Act.

Present law allows a court to consider abuse that is not immediate and present during a proceeding for a temporary restraining order.

Proposed law requires a court to consider any and all past history of abuse, or threats thereof, in determining the level of danger during a proceeding for a temporary restraining order, and provides that there is no requirement that the abuse itself be recent, immediate, or present.

Present law allows a court to grant a protective order or approve a consent agreement to bring a cessation of immediate and present danger of abuse or domestic abuse as defined in the Domestic Abuse Assistance Act.

Proposed law retains present law but allows a court to grant a protective order or approve a consent agreement to cease the threat of domestic abuse.

Present law provides for the duties of law enforcement officers relative to situations in which a family or household member or dating partner has been abused and the abusing party is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to present law.

Proposed law provides that these present law duties of law enforcement shall also apply for violations of temporary restraining orders, preliminary or permanent injunctions, or protective orders issued pursuant to present law Protection from Stalking Act (R.S. 46:2171 et seq.).

(Amends R.S. 46:2131, 2132(3) and (4), 2135(A)(intro. para.), 2136(A)(intro. para.), and 2140(A) and (C)(2)(g) and (3)(b))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add a provision that, with regard to the issuance of a temporary restraining order to protect the petitioner from abuse, requires the court to consider any and all threats of abuse and provides that there is no requirement that the abuse itself be recent, immediate, or present.
2. Clarify the language relative to the issuance of a protective order or approval of a consent agreement to bring about cessation of domestic abuse, as that term is defined by present law, or the cessation of the threat or danger of domestic abuse.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.