

HOUSE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 36 by Senator Amedee

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Procedure" and before "327.1" change "Article" to "Articles"

3 AMENDMENT NO. 2

4 On page 1, line 5, after "through" delete the remainder of the line, delete lines 6 through 9
5 in their entirety and insert the following:

6 "2188 and Code of Criminal Procedure Article 335.1(A)(1)(d), relative to
7 protective orders for victims of sexual assault; to enact the Protection for
8 Victims of Sexual Assault Act; to provide for legislative intent; to make
9 sexual assault victims eligible for the same services, benefits, and assistance
10 available to persons under the Domestic Abuse Assistance Act, the
11 Protection from Dating Violence Act, and the Protection from Stalking Act;
12 to provide for jurisdiction and venue; to authorize the clerk of court to
13 provide certain forms of clerical assistance to sexual assault victims; to
14 authorize sexual assault advocates to provide certain forms of assistance to
15 sexual assault victims; to provide relative to orders issued as a condition of
16 bail for certain offenses involving sexual assault; to require such orders to be
17 transmitted to the Louisiana Protective Order Registry; to provide relative to
18 the court's authority to prohibit a defendant from possessing a firearm as a
19 condition of bail for certain offenses involving domestic abuse, stalking, or
20 sexual assault; to provide relative to violation of protective orders issued
21 pursuant to the Protection for Victims of Sexual Assault Act; to provide
22 relative to privileged communications and records; to provide definitions;
23 and"

24 AMENDMENT NO. 3

25 On page 1, line 12, after "Procedure" and before "327.1" change "Article" to "Articles"

26 AMENDMENT NO. 4

27 On page 1, line 13, after "reenacted" and before "to read" insert "and Code of Criminal
28 Procedure Article 335.1(A)(1)(d) is hereby enacted"

29 AMENDMENT NO. 5

30 On page 2, line 1, after "or" delete the remainder of the line

31 AMENDMENT NO. 6

32 On page 2, line 2, after "assault" and before the comma "," delete "as defined in R.S.
33 46:2183"

34 AMENDMENT NO. 7

35 On page 2, line 28, after "defined in" and before the comma "," change "R.S. 46:2183" to
36 "R.S. 46:2184"

1 AMENDMENT NO. 8

2 On page 3, delete lines 7 through 14 in their entirety and insert the following:

3 "~~(c) If~~ **Except as provided in Subsubparagraph (d) of this**
 4 **Subparagraph, if**, as part of a bail restriction, an order is issued pursuant to
 5 the provisions of this Paragraph, the court shall also order that the defendant
 6 be prohibited from possessing a firearm for the duration of the Uniform
 7 Abuse Prevention Order. For the purposes of this ~~Subparagraph~~
 8 **Subsubparagraph, "firearm" means any pistol, revolver, rifle, shotgun,**
 9 **machine gun, submachine gun, black powder weapon, or assault rifle that is**
 10 **designed to fire or is capable of firing fixed cartridge ammunition or from**
 11 **which a shot or projectile is discharged by an explosive.**

12 **(d) If, as part of a bail restriction, an order is issued pursuant to**
 13 **the provisions of this Paragraph and the alleged offense is sexual assault**
 14 **as defined in R.S. 46:2184, the court may order that the defendant be**
 15 **prohibited from possessing a firearm for the duration of the Uniform**
 16 **Abuse Prevention Order. For the purposes of this Subsubparagraph,**
 17 **"firearm" means any pistol, revolver, rifle, shotgun, machine gun,**
 18 **submachine gun, black powder weapon, or assault rifle that is designed**
 19 **to fire or is capable of firing fixed cartridge ammunition or from which**
 20 **a shot or projectile is discharged by an explosive.**

21 AMENDMENT NO. 9

22 On page 4, line 25, after "through" and before the comma "," change "2191" to "2188"

23 AMENDMENT NO. 10

24 On page 4, delete line 28 in its entirety and insert: "prevent domestic **abuse**, and dating
 25 violence, **and sexual assault** and to aid law "

26 AMENDMENT NO. 11

27 On page 5, line 15, after "violence, **or**" delete the remainder of the line

28 AMENDMENT NO. 12

29 On page 5, at the beginning of line 16, delete "**with a victim of**"

30 AMENDMENT NO. 13

31 On page 5, line 18, after "**PROTECTION**" and before "**VICTIMS**" change "**OF**" to "**FOR**"

32 AMENDMENT NO. 14

33 On page 5, at the end of line 25, change "**inhabitants**" to "**residents**"

34 AMENDMENT NO. 15

35 On page 6, delete line 2 in its entirety and insert "**Additionally, in some cases the rape or**
 36 **other sexual assault is reported but**"

37 AMENDMENT NO. 16

38 On page 6, line 14, after "**remedy for**" and before "**victims**" insert "**all**"

1 AMENDMENT NO. 17

2 On page 6, line 15, after "sexual" and before "that" delete "assaults of all kinds" and insert
3 "assault"

4 AMENDMENT NO. 18

5 On page 6, between lines 19 and 20, insert the following:

6 "§2183. Protection from sexual assault; temporary restraining
7 order

8 A. A victim of sexual assault as defined by R.S. 46:2184,
9 perpetrated by a person who is either unknown to the victim or who is
10 an acquaintance of the victim, shall be eligible to receive all services,
11 benefits, and other forms of assistance provided by Chapter 28 of this
12 Title.

13 B. For persons who are eligible, under the provisions of this
14 Chapter, to seek a temporary restraining order pursuant to the
15 provision of R.S. 46:2135, a showing that the person is or has been a
16 victim of sexual assault shall constitute good cause for purposes of
17 obtaining a temporary restraining order in an ex parte proceeding."

18 AMENDMENT NO. 19

19 On page 6, at the beginning of line 20, change "§2183." to "§2184."

20 AMENDMENT NO. 20

21 On page 6, line 21, after "Chapter" delete the remainder of the line, and delete lines 22
22 through 29 in their entirety, insert a comma ",", and insert "sexual assault" includes but
23 is not limited to any act constituting an"

24 AMENDMENT NO. 21

25 On page 7, delete lines 1 through 8 in their entirety

26 AMENDMENT NO. 22

27 On page 7, line 9, after "R.S. 15:541(24)" and before "obscenity" change "and" to "or"

28 AMENDMENT NO. 23

29 On page 7, at the beginning of line 10, change "§2184." to "§2185."

30 AMENDMENT NO. 24

31 On page 7, delete lines 19 through 29 in their entirety

32 AMENDMENT NO. 25

33 Delete pages 8 through 13 in their entirety

34 AMENDMENT NO. 26

35 On page 14, delete lines 1 through 18 in their entirety

36 AMENDMENT NO. 27

37 On page 14, at the beginning of line 19, change "§2189." to "§2186."

1 AMENDMENT NO. 28

2 On page 14, line 22, after "necessary," and before "indigent" delete "advise" and insert
3 "notify"

4 AMENDMENT NO. 29

5 On page 14, at the beginning of line 26, change "46:2185(C)" to "46:2134(D)"

6 AMENDMENT NO. 30

7 On page 15, at the beginning of line 5, change "§2190." to "§2187."

8 AMENDMENT NO. 31

9 On page 15, line 11, after "by" and before the period ":" change "R.S. 46:2189" to "R.S.
10 46:2186"

11 AMENDMENT NO. 32

12 On page 15, at the beginning of line 26, change "§2191." to "§2188."