# 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

On page 1, line 3, after "(E), and" delete the remainder of the line and insert "R.S.
46:236.5(C)(3)(k) and 2136.2(A) and (B), and to enact Chapter"

### 6 AMENDMENT NO. 3

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

9 "2188 and Code of Criminal Procedure Article 335.1(A)(1)(d), relative to 10 protective orders for victims of sexual assault; to enact the Protection for 11 Victims of Sexual Assault Act; to provide for legislative intent; to make 12 sexual assault victims eligible for the same services, benefits, and assistance available to persons under the Domestic Abuse Assistance Act, the 13 14 Protection from Dating Violence Act, and the Protection from Stalking Act; 15 to provide for jurisdiction and venue; to authorize the clerk of court to 16 provide certain forms of clerical assistance to sexual assault victims; to 17 authorize sexual assault advocates to provide certain forms of assistance to 18 sexual assault victims; to provide relative to orders issued as a condition of 19 bail for certain offenses involving sexual assault; to require such orders to be 20 transmitted to the Louisiana Protective Order Registry; to provide relative to 21 the court's authority to prohibit a defendant from possessing a firearm as a 22 condition of bail for certain offenses involving domestic abuse, stalking, or 23 sexual assault; to provide relative to violation of protective orders issued 24 pursuant to the Protection for Victims of Sexual Assault Act; to provide 25 relative to privileged communications and records; to authorize hearing officers to make recommendations on stalking and sexual assault protective 26 27 orders; to provide definitions; and"

28 AMENDMENT NO. 4

- 30 AMENDMENT NO. 5
- On page 1, line 13, after "reenacted" and before "to read" insert "and Code of Criminal
  Procedure Article 335.1(A)(1)(d) is hereby enacted"
- 33 AMENDMENT NO. 6
- 34 On page 2, line 1, after "<u>or</u>" delete the remainder of the line
- 35 AMENDMENT NO. 7
- On page 2, line 2, after "<u>assault</u>" and before the comma "," delete "<u>as defined in R.S.</u>
  46:2183"

<sup>29</sup> On page 1, line 12, after "Procedure" and before "327.1" change "Article" to "Articles"

#### 1 AMENDMENT NO. 8

- On page 2, line 28, after "<u>defined in</u>" and before the comma "," change "<u>R.S. 46:2183</u>" to
  "R.S. 46:2184"
- 4 AMENDMENT NO. 9
- 5 On page 3, delete lines 7 through 14 in their entirety and insert the following:
- 6 "(c) If Except as provided in Subsubparagraph (d) of this 7 Subparagraph, if, as part of a bail restriction, an order is issued pursuant to 8 the provisions of this Paragraph, the court shall also order that the defendant 9 be prohibited from possessing a firearm for the duration of the Uniform Abuse Prevention Order. For the purposes of this Subparagraph 10 Subsubparagraph, "firearm" means any pistol, revolver, rifle, shotgun, 11 machine gun, submachine gun, black powder weapon, or assault rifle that is 12 13 designed to fire or is capable of firing fixed cartridge ammunition or from 14 which a shot or projectile is discharged by an explosive.

15 (d) If, as part of a bail restriction, an order is issued pursuant to 16 the provisions of this Paragraph and the alleged offense is sexual assault 17 as defined in R.S. 46:2184, the court may order that the defendant be prohibited from possessing a firearm for the duration of the Uniform 18 Abuse Prevention Order. For the purposes of this Subsubparagraph, 19 20 "firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle that is designed 21 to fire or is capable of firing fixed cartridge ammunition or from which 22 23 a shot or projectile is discharged by an explosive."

- 24 AMENDMENT NO. 10
- On page 4, line 23, after "Section 3." and before "and (B)" delete "R.S. 46:2136.2(A)" and
  insert "R.S. 46:236.5(C)(3)(k) and 2136.2(A)"
- 27 AMENDMENT NO. 11
- On page 4, line 25, after "through" and before the comma "," change "2191" to "2188"
- 29 AMENDMENT NO. 12
- 30 On page 4, between lines 25 and 26, insert the following:

31 32 33	"§236.5. Expedited process for establishment of paternity and establishment or enforcement of support <u>; hearing officers</u> * * *
34	C. An expedited process for the establishment of paternity and the
35	establishment and enforcement of support and other related family and
36	domestic matters in district courts using hearing officers may be
37	implemented as follows:
38	* * *
39	(3) The hearing officer shall act as a finder of fact and shall make
40	written recommendations to the court concerning any domestic and family
41	matters as set forth by local court rule, including but not limited to the
42	following matters:
43	* * *
44	(k) Hear and make recommendations on all protective orders filed in
45	accordance with R.S. 46:2131 et seq., R.S. 46:2151 et seq., <u>R.S. 46:2171 et</u>
46	seq., R.S. 46:2181 et seq., and the Children's Code and on all injunctions
47	filed in accordance with R.S. 9:361, 371, and 372 and Code of Civil
48	Procedure Articles 3601 et seq., which involve personal abuse, terrorizing,

- stalking, or harassment; and hear and make recommendations on all motions
   for contempt of court and motions to extend, modify, or dissolve protective
   orders and injunctions.
- 4 \*
- 5 AMENDMENT NO. 13
- On page 4, delete line 28 in its entirety and insert: "prevent domestic <u>abuse</u>, and dating
  violence, and sexual assault and to aid law "

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- 8 AMENDMENT NO. 14
- 9 On page 5, line 15, after "violence, or" delete the remainder of the line
- 10 AMENDMENT NO. 15
- 11 On page 5, at the beginning of line 16, delete "with a victim of"
- 12 AMENDMENT NO. 16
- 13 On page 5, line 18, after "**PROTECTION**" and before "**VICTIMS**" change "**OF**" to "**FOR**"
- 14 AMENDMENT NO. 17
- 15 On page 5, at the end of line 25, change "<u>inhabitants</u>" to "<u>residents</u>"
- 16 AMENDMENT NO. 18
- On page 6, delete line 2 in its entirety and insert "<u>Additionally, in some cases the rape or</u>
   other sexual assault is reported but"
- 19 AMENDMENT NO. 19
- 20 On page 6, line 14, after "<u>remedy for</u>" and before "<u>victims</u>" insert "<u>all</u>"
- 21 AMENDMENT NO. 20
- On page 6, line 15, after "sexual" and before "that" delete "assaults of all kinds" and insert
   "assault"
- 24 AMENDMENT NO. 21
- 25 On page 6, between lines 19 and 20, insert the following:

26	§2183. Protection from sexual assault; temporary restraining order
27	A. A victim of sexual assault as defined by R.S. 46:2184,
28	perpetrated by a person who is either unknown to the victim or who is
29	an acquaintance of the victim, shall be eligible to receive all services,
30	benefits, and other forms of assistance provided by Chapter 28 of this
31	Title.
32	<b>B.</b> For persons who are eligible, under the provisions of this
33	Chapter, to seek a temporary restraining order pursuant to the
34	provision of R.S. 46:2135, a showing that the person is or has been a
35	victim of sexual assault shall constitute good cause for purposes of
36	obtaining a temporary restraining order in an ex parte proceeding."

- 37 <u>AMENDMENT NO. 22</u>
- 38 On page 6, at the beginning of line 20, change "<u>§2183.</u>" to "<u>§2184.</u>"

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

# 1 AMENDMENT NO. 23

- 2 On page 6, line 21, after "<u>Chapter</u>" delete the remainder of the line, and delete lines 22
- through 29 in their entirety, insert a comma ",", and insert "<u>"sexual assault" includes but</u>
  is not limited to any act constituting an"
- 5 AMENDMENT NO. 24
- 6 On page 7, delete lines 1 through 8 in their entirety
- 7 AMENDMENT NO. 25
- 8 On page 7, line 9, after "<u>R.S. 15:541(24)</u>" and before "<u>obscenity</u>" change "<u>and</u>" to "<u>or</u>"
- 9 AMENDMENT NO. 26
- 10 On page 7, at the beginning of line 10, change "<u>§2184.</u>" to "<u>§2185.</u>"
- 11 AMENDMENT NO. 27
- 12 On page 7, delete lines 19 through 29 in their entirety
- 13 AMENDMENT NO. 28
- 14 Delete pages 8 through 13 in their entirety
- 15 AMENDMENT NO. 29
- 16 On page 14, delete lines 1 through 18 in their entirety
- 17 <u>AMENDMENT NO. 30</u>
- 18 On page 14, at the beginning of line 19, change "<u>§2189.</u>" to "<u>§2186.</u>"
- 19 AMENDMENT NO. 31
- On page 14, line 22, after "<u>necessary</u>," and before "<u>indigent</u>" delete "<u>advise</u>" and insert
   "<u>notify</u>"
- 22 AMENDMENT NO. 32
- 23 On page 14, at the beginning of line 26, change "<u>46:2185(C)</u>" to "<u>46:2134(D)</u>"
- 24 AMENDMENT NO. 33
- 25 On page 15, at the beginning of line 5, change "**§2190.**" to "**§2187.**"
- 26 AMENDMENT NO. 34
- On page 15, line 11, after "by" and before the period "." change "R.S. 46:2189" to "R.S.
  46:2186"
- 29 AMENDMENT NO. 35
- 30 On page 15, at the beginning of line 26, change "<u>§2191.</u>" to "<u>§2188.</u>"

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