
DIGEST

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HB 223 Original

2017 Regular Session

Moreno

Abstract: Expands the application of domestic abuse battery, domestic abuse aggravated assault, and other provisions of law regarding domestic abuse to dating partners.

Present law provides for the following:

- (1) The crimes of domestic abuse and domestic abuse aggravated assault for cases involving the use of force or violence or assault with a dangerous weapon by one household member or family member against another household member or family member.
- (2) Requires the La. Bureau of Criminal Identification and Information to obtain and file the name, fingerprints, description, photographs, and other pertinent identifying data of any person who has been arrested, or has been issued a summons and subsequently convicted, for a violation of any state law or ordinance that prohibits the use of force or a deadly weapon against any family member or household member.
- (3) Prohibits any person against whom the court has issued a permanent injunction or a protective order relative to domestic abuse from possessing a firearm for the duration of the injunction or protective order if the injunction or order includes a finding that the person represents a credible threat to the physical safety of a family member or household member and the injunction or order informs the person that he is prohibited from possessing a firearm pursuant to both state and federal law.
- (4) For crimes in which the accused is charged with a crime involving abusive behavior against a family member or household member, provides for the admissibility of evidence of the accused's commission of another crime, wrong, or act involving assaultive behavior against a family member or household member unless the probative value of the evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, or waste of time.
- (5) Requires the district attorney to include certain information in the indictment, information, or affidavit when instituting the prosecution for an offense involving a violation of any state law or local ordinance that prohibits the use of force or a deadly weapon against a family member or household member.
- (6) For all of these purposes, present law provides for the following definitions:

- (a) "Household member" means any person of the opposite sex presently or formerly living in the same residence with the offender as a spouse, whether married or not, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.
 - (b) "Family member" means spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, and foster children.
- (7) Defines "dating partner", for purposes of the present law Protection from Dating Violence Act (R.S. 46:2151 et seq.), as any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Proposed law expands the applicability of these provisions of present law to cases of abuse involving "dating partners" as that term is defined by present law.

(Amends R.S.14:35.3(A), (B)(4), (5), (6), and (7), (G)(1), and (J) and 37.7(A) and (B), R.S. 15:590(8), R.S. 46:2136.3(A)(intro. para.) and (1), C.E. Art. 412.4(A) and (D)(2) and (3), and C.Cr.P. Art. 387(A)(intro. para.); Adds R.S. 14:35.3(B)(8) and C.E. Art. 412.4(D)(4))