
DIGEST

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HB 499 Original

2017 Regular Session

Schroder

Abstract: Requires the issuance of a protective order against persons convicted of stalking, requires certain stalking offenders to complete a domestic abuse intervention program, and provides relative to the exception for private investigators.

Present law (R.S. 14:40.2(A) and (B)) provides for the crime of stalking and provides criminal penalties for those who are convicted of the offense. As part of the penalties, present law (R.S. 14:40.2(B)) requires any person convicted of stalking to undergo a psychiatric evaluation.

Present law further provides that upon motion of the district attorney or the court, the court may, in addition to any penalties imposed, issue a protective order that directs the defendant to refrain from abusing, harassing, interfering with the victim or the employment of the victim, or being physically present within a certain distance of the victim. The protective order shall be effective either for an indefinite period of time or for a fixed term which shall not exceed eighteen months.

Proposed law amends present law to require, instead of authorize, the issuance of the protective order which shall remain in effect until the defendant has completed the mandatory psychiatric evaluation and the court finds that the defendant no longer poses a threat of danger to the victim.

Proposed law further requires an offender convicted of stalking a family member, household member, or dating partner to complete a court-monitored domestic abuse intervention program as defined by present law.

Present law (R.S. 14:40.2(G)) provides for an exception to the crime of stalking for a private investigator licensed pursuant to present law, acting during the course and scope of his employment and performing his duties relative to the conducting of an investigation.

Proposed law provides that the present law exception to the crime of stalking for private investigators shall not apply to private investigators retained by the defendant, personally or through a third party.

(Amends R.S. 14:40.2(F) and (G))