
DIGEST

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HB 499 Engrossed

2017 Regular Session

Schroder

Abstract: Requires the issuance of a protective order against persons placed on probation for a stalking conviction 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.

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 retains present law but requires the issuance of a protective order, with the same terms as provided by present law, when a defendant is placed on probation for the crime of stalking.

Present law (R.S. 14:40.2(G)) provides 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 if:

- (1) The private investigator was retained by a person who is charged with an offense involving sexual assault as defined by present law (R.S. 46:2184) or who is subject to a temporary restraining order or protective order obtained by a victim of sexual assault pursuant to present law (R.S. 46:2182 et seq.).
- (2) The private investigator was retained for the purpose of harassing the victim.

(Amends R.S. 14:40.2(F)(1) and (G))

Summary of Amendments Adopted by House

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

1. Remove proposed changes to retain provisions of present law with regard to the discretionary granting of a protective order against a person convicted of stalking upon motion of the district attorney or court.
2. Add language that would require the issuance of a protective order, with the same terms as provided for by present law, if the defendant is placed on probation for a stalking conviction.
3. Provide that the present law exception for private investigators does not apply if the private investigator was retained for the purpose of harassing the victim by a person charged with an offense involving sexual assault or who is subject to a protective order or temporary restraining order obtained by a victim of sexual assault.