

2018 Regular Session

HOUSE BILL NO. 207

BY REPRESENTATIVE BAGLEY

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1292, R.S. 14:79(A)(1)(b), and R.S.
3 46:2136.2(A) and to enact Code of Civil Procedure Article 1293(D), relative to
4 temporary restraining orders and protective orders; to require the transmission of
5 proof of service of certain temporary restraining orders, protective orders,
6 preliminary injunctions, permanent injunctions, and consent agreements to the
7 Louisiana Protective Order Registry; to provide for the method of transmission and
8 the time period within which transmission must be made; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Civil Procedure Article 1292 is hereby amended and reenacted
12 and Code of Civil Procedure Article 1293(D) is hereby enacted to read as follows:

13 Art. 1292. Sheriff's return

14 A. The sheriff shall endorse on a copy of the citation or other process the
15 date, place, and method of service and sufficient other data to show service in
16 compliance with law. He shall sign and return the copy promptly after the service
17 to the clerk of court who issued it. The return, when received by the clerk, shall form
18 part of the record, and shall be considered prima facie correct. The court, at any time
19 and upon such terms as are just, may allow any process or proof of service thereof
20 to be amended, unless it clearly appears that material prejudice would result to the
21 substantial rights of the party against whom the process issued.

22 B. In addition to the provisions of Paragraph A of this Article, when the
23 citation or other process is a temporary restraining order, protective order,
24 preliminary injunction, permanent injunction, or court-approved consent agreement
25 as referenced in R.S. 46:2136.2(B), the person making the service, or his designee,

1 shall transmit proof of service to the judicial administrator's office, Louisiana
 2 Supreme Court, for entry into the Louisiana Protective Order Registry, as provided
 3 in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as
 4 expeditiously as possible, but no later than the end of the next business day after
 5 making service, exclusive of weekends and holidays. This proof shall include, at a
 6 minimum, the case caption, docket number, type of order, serving agency and
 7 officer, and the date and time service was made.

8 Art. 1293. Service by private person

9 * * *

10 D. In addition to the provisions of Paragraph A of this Article, when the
 11 citation or other process is a temporary restraining order, protective order,
 12 preliminary injunction, permanent injunction, or court-approved consent agreement
 13 as referenced in R.S. 46:2136.2(B), the person making the service, or his designee,
 14 shall transmit proof of service to the judicial administrator's office, Louisiana
 15 Supreme Court, for entry into the Louisiana Protective Order Registry, as provided
 16 in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as
 17 expeditiously as possible, but no later than the end of the next business day after
 18 making service, exclusive of weekends and holidays. This proof shall include, at a
 19 minimum, the case caption, docket number, type of order, serving agency and
 20 officer, and the date and time service was made.

21 Section 2. R.S. 14:79(A)(1)(b) is hereby amended and reenacted to read as follows:

22 §79. Violation of protective orders

23 A.(1)

24 * * *

25 (b) A defendant may also be deemed to have been properly served if
 26 tendered a certified copy of a temporary restraining order or ex parte protective
 27 order, or if tendered a faxed or electronic copy of a temporary restraining order or
 28 ex parte protective order received directly from the issuing magistrate,
 29 commissioner, hearing officer, judge or court, by any law enforcement officer who
 30 has been called to any scene where the named defendant is present. Such service of

1 a previously issued temporary restraining order or ex parte protective order if noted
 2 in the police report shall be deemed sufficient evidence of service of process and
 3 admissible in any civil or criminal proceedings. A law enforcement officer making
 4 service under this Subsection shall transmit proof of service to the judicial
 5 administrator's office, Louisiana Supreme Court, for entry into the Louisiana
 6 Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile
 7 transmission or direct electronic input as expeditiously as possible, but no later than
 8 the end of the next business day after making service, exclusive of weekends and
 9 holidays. This proof shall include, at a minimum, the case caption, docket number,
 10 type of order, serving agency and officer, and the date and time service was made.

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12 Section 3. R.S. 46:2136.2(A) is hereby amended and reenacted to read as follows:
 13 §2136.2. Louisiana Protective Order Registry

14 A. In order to provide a statewide registry for abuse prevention orders to
 15 prevent domestic abuse, dating violence, stalking, and sexual assault and to aid law
 16 enforcement, prosecutors, and the courts in handling such matters, there shall be
 17 created a Louisiana Protective Order Registry administered by the judicial
 18 administrator's office, Louisiana Supreme Court. The judicial administrator's office
 19 shall collect the data transmitted to it from the courts, law enforcement, and private
 20 process servers of the state and enter it into the Louisiana Protective Order Registry
 21 as expeditiously as possible.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____