
DIGEST

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HB 36 Reengrossed

2019 Regular Session

Stefanski

Abstract: Requires certain notification to be given to the petitioner for a temporary restraining order or protective order in domestic abuse cases, and provides relative to the duty of law enforcement upon receipt of a Uniform Abuse Prevention Order.

Present law provides that upon the issuance of a temporary restraining order or protective order in domestic abuse cases, the judge shall cause to have prepared a Uniform Abuse Prevention Order, shall sign such order, and shall immediately forward it to the clerk of court for filing on the day that the order is issued.

Present law further requires the clerk of the issuing court to transmit the Uniform Abuse Prevention Order to the judicial administrator's office, La. Supreme Court, for entry into the La. Protective Order Registry, and to send a copy of the Uniform Abuse Prevention Order, or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible.

Present law provides that a copy of the Uniform Abuse Prevention Order shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.

Proposed law retains present law and does all of the following:

- (1) Adds that the copy of the Uniform Abuse Prevention Order sent to the chief law enforcement officer shall be reviewed by the law enforcement agency upon receipt.
- (2) Requires the petitioner to be notified of the right to initiate criminal proceedings and to be informed that the granting of a temporary restraining order or protective order does not automatically file criminal charges against the defendant.

Provides that proposed law shall be referred to as "Heather's Law".

(Amends R.S. 46:2135(H) and 2136(H); Adds R.S. 46:2135(J) and 2136(I))

Summary of Amendments Adopted by House

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

1. Change the proposed law provision regarding the required notice given to the petitioner to provide that the granting of a temporary restraining order or protective order does not automatically file criminal charges.
2. Provide that proposed law shall be referred to as "Heather's Law".

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.