

2019 Regular Session

HOUSE BILL NO. 36

BY REPRESENTATIVE STEFANSKI AND SENATORS BARROW, CARTER, AND HENSGENS

1 AN ACT

2 To amend and reenact R.S. 46:2135(H) and 2136(H) and to enact R.S. 46:2135(J) and
3 2136(I), relative to domestic abuse; to provide relative to the issuance of a temporary
4 restraining order or protective order in domestic abuse cases; to require certain notice
5 to be given to the petitioner; to provide relative to the duty of law enforcement upon
6 receipt of a copy of a Uniform Abuse Prevention Order; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:2135(H) and 2136(H) are hereby amended and reenacted and R.S.
10 46:2135(J) and 2136(I) are hereby enacted to read as follows:

11 §2135. Temporary restraining order

12 * * *

13 H. The clerk of the issuing court shall transmit the Uniform Abuse
14 Prevention Order to the judicial administrator's office, Louisiana Supreme Court, for
15 entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A),
16 by facsimile transmission or direct electronic input as expeditiously as possible, but
17 no later than the end of the next business day after the order is filed with the clerk
18 of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse
19 Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to
20 the chief law enforcement officer of the parish where the person or persons protected
21 by the order reside by facsimile transmission or direct electronic input as
22 expeditiously as possible, but no later than the end of the next business day after the
23 order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order

1 shall be reviewed by the law enforcement agency and shall be retained on file in the
2 office of the chief law enforcement officer until otherwise directed by the court.

3 * * *

4 J. Upon filing a petition for a temporary restraining order, regardless of
5 whether the court grants the temporary restraining order, the clerk of court shall
6 notify the petitioner of his right to initiate criminal proceedings and shall inform the
7 petitioner that the granting of a temporary restraining order pursuant to the
8 provisions of this Section does not automatically file criminal charges against the
9 defendant.

10 §2136. Protective orders; content; modification; service

11 * * *

12 H. The clerk of the issuing court shall transmit the Uniform Abuse
13 Prevention Order to the judicial administrator's office, Louisiana Supreme Court, for
14 entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A),
15 by facsimile transmission or direct electronic input as expeditiously as possible, but
16 no later than the end of the next business day after the order is filed with the clerk
17 of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse
18 Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to
19 the chief law enforcement officer of the parish where the person or persons protected
20 by the order reside by facsimile transmission or direct electronic input as
21 expeditiously as possible, but no later than the end of the next business day after the
22 order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order
23 shall be reviewed by the law enforcement agency and shall be retained on file in the
24 office of the chief law enforcement officer until otherwise directed by the court.

25 I. At the proceeding, regardless of whether the court grants the protective
26 order, the court shall notify the petitioner of his right to initiate criminal proceedings
27 and shall inform the petitioner that the granting of a protective order pursuant to the
28 provisions of this Section does not automatically file criminal charges against the
29 defendant.

1 Section 2. The provisions of this Act shall be referred to as "Heather's Law".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____