

SENATE BILL NO. 66

BY SENATORS CONNICK, ALLAIN, BARROW, BERNARD, CATHEY, CORTEZ, FESI, HARRIS, HENRY, HEWITT, MILLIGAN, MIZELL, PEACOCK, POPE, SMITH, STINE, TALBOT AND WHITE

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AN ACT

To amend and reenact R.S. 14:2(B)(50) and R.S. 14:79(B) and (C), relative to the crime of violation of protective orders; to provide for enhanced penalties for violations of a protective order when committed while in possession of a firearm; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:2(B)(50) and R.S. 14:79(B) and (C) are hereby amended and reenacted to read as follows:

§2. Definitions

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B. * * *

(50) Violation of a protective order **punishable under R.S. 14:79(C)** if the violation involves a battery or any crime of violence as defined by this Subsection against the person for whose benefit the protective order is in effect.

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§79. Violation of protective orders

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B.(1) On a first conviction for violation of protective orders, **except as provided in Subsection C of this Section,** which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, the offender shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(2) On a second or subsequent conviction for violation of protective orders, **except as provided in Subsection C of this Section,** which does not involve a

1 ~~battery or any crime of violence as defined by R.S. 14:2(B) against the person~~
2 ~~protected by the protective order~~, regardless of whether the current offense occurred
3 before or after the earlier convictions, the offender shall be fined not more than one
4 thousand dollars and imprisoned with or without hard labor for not less than fourteen
5 days nor more than two years. At least fourteen days of the sentence of imprisonment
6 imposed under this Paragraph shall be without benefit of probation, parole, or
7 suspension of sentence. If a portion of the sentence is imposed with benefit of
8 probation, parole, or suspension of sentence, the court shall require the offender to
9 participate in a court-monitored domestic abuse intervention program as defined by
10 R.S. 14:35.3.

11 C.(1) ~~Whoever~~ **Except as provided in Paragraph (2) of this Subsection,**
12 **whoever** is convicted of the offense of violation of protective orders where the
13 violation involves a battery or any crime of violence as defined by R.S. 14:2(B)
14 against the person for whose benefit the protective order is in effect, **or where the**
15 **violation involves the offender going to the residence or household, school, or**
16 **place of employment of the person for whose benefit the protective order is in**
17 **effect while in possession of a firearm**, shall be fined not more than one thousand
18 dollars and imprisoned with or without hard labor for not less than three months nor
19 more than two years. At least thirty days of the sentence of imprisonment imposed
20 under this Paragraph shall be without benefit of probation, parole, or suspension of
21 sentence. If a portion of the sentence is imposed with benefit of probation, parole,
22 or suspension of sentence, the court shall require the offender to participate in a
23 court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

24 (2) Whoever is convicted of the offense of violation of protective orders
25 where the violation involves a battery or any crime of violence as defined by R.S.
26 14:2(B) against the person for whose benefit the protective order is in effect, **or**
27 **where the violation involves the offender going to the residence or household,**
28 **school, or place of employment of the person for whose benefit the protective**
29 **order is in effect while in possession of a firearm**, and who has a conviction of
30 violating a protective order or of an assault or battery upon the person for whose

1 benefit the protective order is in effect during the five-year period prior to
 2 commission of the instant offense, regardless of whether the instant offense occurred
 3 before or after the earlier convictions, the offender shall be fined not more than two
 4 thousand dollars and imprisoned with or without hard labor for not less than one year
 5 nor more than five years. At least one year of the sentence of imprisonment imposed
 6 under this Paragraph shall be without benefit of probation, parole, or suspension of
 7 sentence.

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 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____