

2023 Regular Session

HOUSE BILL NO. 376

BY REPRESENTATIVES BOYD AND KNOX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DOMESTIC ABUSE: Provides relative to protective orders

1 AN ACT

2 To amend and reenact R.S. 46:2136(H) and 2136.2(D) and to enact R.S. 46:2136.2(G),
3 relative to protective orders; to provide for the time in which a protective order is
4 transmitted; to provide for immediate entry of protective orders; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:2136(H) and 2136.2(D) are hereby amended and reenacted to
8 read as follows and R.S. 46:2136.2(G) is hereby enacted to read as follows:

9 §2136. Protective orders; content; modification; service

10 * * *

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

1 calendar day after the order is filed with the clerk of court. A copy of the Uniform
 2 Abuse Prevention Order shall be reviewed by the law enforcement agency and shall
 3 be retained on file in the office of the chief law enforcement officer until otherwise
 4 directed by the court.

5 * * *

6 §2136.2. Louisiana Protective Order Registry

7 * * *

8 D. The clerk of the issuing court shall immediately send a copy of the order
 9 or any modification thereof to the Louisiana Protective Order Registry and to the
 10 chief law enforcement officer of the parish in which the person or persons protected
 11 by the order reside as expeditiously as possible but no later than ~~by~~ the end of the
 12 next ~~business~~ calendar day after the order is filed with the clerk of court. Transmittal
 13 of the Uniform Abuse Prevention Order shall be made by ~~facsimile~~ transmission or
 14 direct electronic input as expeditiously as possible, but no later than the end of the
 15 next ~~business~~ calendar day after the order is filed with the clerk of court.

16 * * *

17 G. The judicial administrator's office shall develop policies and procedures
 18 that provide for immediate entry of protection orders received by the office to
 19 include those received after two hours. To avoid delays in entry, the office shall
 20 have the authority to authorize agencies to enter protective orders directly into the
 21 registry when certain conditions or criteria exist.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 376 Engrossed 2023 Regular Session Boyd

Abstract: Provides relative to protective orders and the time in which the orders are to be transmitted or entered.

Present law (R.S. 46:2136(H)) provides that the clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the judicial administrator's office, La. Supreme Court, for entry into the La. Protective Order Registry by facsimile transmission or direct electronic

input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court.

Proposed law changes present law by providing that the clerk shall transmit the order to the judicial administrator's office no later than the end of the next calendar day after the order is filed with the clerk of court.

Present law (R.S. 46:2136.2(D)) provides that the clerk of the issuing court shall immediately send a copy of the order or any modification thereof to the La. Protective Order Registry and to the chief law enforcement officer of the parish in which the person or persons protected by the order reside as expeditiously as possible but no later than the end of the next calendar day after the order is filed with the clerk of court.

Proposed law changes present law by providing that the clerk shall send a copy of the order no later than the next calendar day after the order is filed with the clerk of court.

Proposed law (R.S. 46:2136.2(G)) provides that the judicial administrator's office shall develop policies and procedures that provide for immediate entry of protection orders received by the office to include those received after two hours. To avoid delays in entry, the office shall have the authority to authorize agencies to enter protection orders directly into the registry when certain conditions or criteria exist.

(Amends R.S. 46:2136(H) and 2136.2(D); Adds R.S. 46:2136.2(G))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Remove the requirement that the clerk of court transmit the protective order by facsimile to the judicial administrator's office.
2. Change the filing requirement from two hours to the end of the next calendar day.