

2023 Regular Session

HOUSE BILL NO. 376

BY REPRESENTATIVES BOYD, BRASS, CARPENTER, FISHER, FREEMAN,  
GLOVER, HUGHES, JEFFERSON, KNOX, LAFLEUR, LANDRY, LARVADAIN,  
LYONS, NEWELL, SELDERS, AND WILLARD

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~~ may 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~~ may also send a copy of the  
17 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any  
18 modification thereof, to the chief law enforcement officer of the parish where the  
19 person or persons protected by the order reside by ~~facsimile~~ transmission or direct

1           electronic input as expeditiously as possible, but no later than the end of the next  
 2           ~~business calendar~~ day after the order is filed with the clerk of court. A copy of the  
 3           Uniform Abuse Prevention Order ~~shall be reviewed by the law enforcement agency~~  
 4           ~~and shall~~ may be reviewed by the law enforcement agency and ~~shall~~ may be retained  
 5           on file in the office of the chief law enforcement officer until otherwise directed by  
 6           the court.

\*       \*       \*

8           §2136.2. Louisiana Protective Order Registry

\*       \*       \*

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

\*       \*       \*

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

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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)]

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HB 376 Reengrossed

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 may 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 may 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 the next calendar day. 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.

The House Floor Amendments to the engrossed bill:

1. Change the deadlines for transmission of protective orders by the clerk of court from mandatory to permissive.