

Regular Session, 2014

HOUSE BILL NO. 338

BY REPRESENTATIVE ALFRED WILLIAMS

CIVIL/RESTRAINING ORDER: Provides relative to the effective period of a temporary restraining order under certain circumstances

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 3606, relative to temporary
3 restraining orders; to provide relative to the effectiveness of temporary restraining
4 orders; to extend the effective period of temporary restraining orders when a hearing
5 is continued due to weather, natural disasters, or declared states of emergency; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 3606 is hereby amended and reenacted
9 to read as follows:

10 Art. 3606. Temporary restraining order; hearing on preliminary injunction

11 A. When a temporary restraining order is granted, the application for a
12 preliminary injunction shall be assigned for hearing at the earliest possible time,
13 subject to Article 3602, and shall take precedence over all matters except older
14 matters of the same character. The party who obtains a temporary restraining order
15 shall proceed with the application for a preliminary injunction when it comes on for
16 hearing. Upon his failure to do so, the court shall dissolve the temporary restraining
17 order.

18 B. In the event that the hearing on the issuance of a preliminary injunction
19 is continued by the court because of weather, natural disaster, or a declared state of
20 emergency, any temporary restraining order issued in the matter shall remain in

1 effect until the hearing on the issuance of the preliminary injunction is rescheduled
2 and concluded.

DIGEST

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Alfred Williams

HB No. 338

Abstract: Extends the effective period of a temporary restraining order when the hearing on the issue of a preliminary injunction is continued due to weather, natural disaster, or a declared state of emergency.

Present law authorizes the issuance of a temporary restraining order effective for a specific period of time during the pendency of an action for a preliminary injunction.

Proposed law retains present law and provides that in the event that the hearing on the issuance of a preliminary injunction is continued by the court because of weather, natural disaster, or a declared state of emergency, any temporary restraining order issued in the matter shall remain in effect until the hearing on the issuance of the preliminary injunction is rescheduled and concluded.

(Amends C.C.P. Art. 3606)