

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIME/BATTERY. Provides relative to domestic abuse battery and other offenses involving domestic abuse.

DIGEST

Present law provides relative to child custody in the context of separation and divorce under circumstances of family violence.

Proposed law retains present law.

Present law defines "treatment program" for purposes of present law as a course of evaluation and psychotherapy designed specifically for perpetrators of family violence, and conducted by licensed mental health professionals.

Proposed law deletes "treatment program" from present law and substitutes "court-monitored domestic abuse intervention program," which is defined by proposed law as a program, comprised of a minimum of 26 in-person sessions, that follows a model designed specifically for perpetrators of domestic abuse. Proposed law further provides that the offender's progress in the program is to be monitored by the court, and the program provider is to have all of the following:

1. Experience in working directly with perpetrators and victims of domestic abuse.
2. Experience in facilitating batterer intervention groups.
3. Training in the causes and dynamics of domestic violence, characteristics of batterers, victim safety, and sensitivity to victims.

Proposed law otherwise retains present law.

Present law designates certain crimes as "crimes of violence."

Proposed law adds domestic abuse aggravated assault to the list of crimes of violence.

Present law defines the crime of "domestic abuse battery" as the intentional use of force or violence committed by one household member upon the person of another household member.

Present law provides that an offender may only be placed on probation for a commission of domestic abuse battery if he is required to participate in a "court-approved" domestic abuse "prevention" program.

Proposed law amends present law to provide that the offender shall be required to participate in a "court-monitored domestic abuse intervention program" and provides that such program shall mean a program, comprised of a minimum of twenty-six in-person sessions, that follows a model designed specifically for perpetrators of domestic abuse. The offender's progress in the program shall be monitored by the court. The provider of the program shall have all of the following:

- (1) Experience in working directly with perpetrators and victims of domestic abuse.
- (2) Experience in facilitating batterer intervention groups.
- (3) Training in the causes and dynamics of domestic violence, characteristics of batterers, victim safety, and sensitivity to victims.

Present law provides that a person convicted of a second offense domestic abuse battery shall be imprisoned for not less than 60 days nor more than six months.

Proposed law increases this term of imprisonment to not less than 60 days nor more than one year and provides that it shall be served with or without hard labor.

Present law provides that any crime of violence, as defined in R.S. 14:2(B), against a person committed by one household member against another household member, shall be designated as an act of domestic violence.

Proposed law retains present law, and clarifies that this designation as domestic violence is for purposes of any civil or criminal proceeding authorized by law.

Present law provides that any defendant who has been arrested for domestic abuse battery or for a crime of violence shall not be released on his own recognizance or on the signature of any other person.

Present law provides that any defendant who has been arrested for violation of a protective order shall not be released on his own recognizance or on the signature of any other person if the person has a prior conviction for the same offense.

Proposed law adds domestic abuse aggravated assault, false imprisonment, and false imprisonment while the offender is armed with a dangerous weapon to the list of offenses for which a defendant may not be released on their own recognizance or on the signature of any other person.

Proposed law amends present law to provide that a person shall not be released on his own recognizance or on the signature of any other person for a violation of a protective order issued pursuant to present law regardless of whether the person has a prior conviction for the same offense.

(Amends R.S. 9:362(7) and 364(A), (B), and (C), R.S. 14:35.3(B)(3), (4), and (5), (C), (D), (H), and (J) and C.Cr.P. Art. 334.2; adds R.S. 14:2(B)(45) and 35.3(B)(6); repeals C.Cr.P. Art. 334.4(A)(4))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Removed domestic abuse battery from the list of enumerated crimes of violence.
2. With regard to the program that an offender is required to participate in if placed on probation for a conviction of domestic abuse battery, changed the name to "court-monitored domestic abuse intervention program" and defined it to include a 26-week course provided by DCFS or other provider which follows a national model.
3. With regard to the court-monitored domestic abuse intervention programs, provided that persons conducting the program shall have experience in working directly with perpetrators and victims of domestic abuse.
4. Amended the change to the penalty provisions for a second conviction of domestic abuse battery to provide that the sentence shall be served "with or without hard labor" instead of "at hard labor".
5. Made technical amendments to reflect these changes.

House Floor Amendments to the engrossed bill.

1. Amended the definition of "court-monitored domestic abuse intervention program".
2. Made technical corrections.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Substitute "court-monitored domestic abuse intervention program" for "treatment program" in certain provisions of present law and add definition of "court-monitored domestic abuse intervention program."