

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 747 by Representative Moreno

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

Synopsis of Senate Amendments

1. Changes references of "treatment program" to "court-monitored domestic abuse intervention program" in provisions of present law regarding to the custody of children when there is a history of family violence.
2. Defines "court-monitored domestic abuse intervention program" pursuant to proposed law.

Digest of Bill as Finally Passed by Senate

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.

Present law provides for a presumption that no parent who has a history of perpetrating family violence shall be awarded sole or joint custody of children. Present law further provides that this presumption shall be overcome only by a preponderance of the evidence that the perpetrating parent has successfully completed a treatment program as defined by present law.

Proposed law amends present law to change the reference of "treatment program" to "court-monitored domestic abuse intervention program" and defines "court-monitored domestic abuse intervention program" pursuant to proposed law provisions for domestic abuse battery.

(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))