

Regular Session, 2014

HOUSE BILL NO. 338

BY REPRESENTATIVE ALFRED WILLIAMS

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 3604(C) and 3606, relative to
3 temporary restraining orders; to provide relative to the effectiveness of temporary
4 restraining orders; to extend the effective period of temporary restraining orders
5 when a hearing is continued due to declared states of emergency; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Articles 3604(C) and 3606 are hereby amended
9 and reenacted to read as follows:

10 Art. 3604. Form, contents, and duration of restraining order

11 * * *

12 C. (1) A temporary restraining order issued in conjunction with a rule to show
13 cause for a protective order filed in an action pursuant to the Protection from Family
14 Violence Act, R.S. 46:2121 et seq., and pursuant to the Protection From Dating
15 Violence Act, R.S. 46:2151, shall remain in force until a hearing is held on the rule
16 for the protective order or for thirty days, whichever occurs first. If the initial rule to
17 show cause is heard by a hearing officer, the temporary restraining order shall remain
18 in force for fifteen days after the hearing or until the judge signs the protective order,
19 whichever occurs last. At any time before the expiration of a temporary restraining
20 order issued pursuant to this Paragraph, it may be extended by the court for a period
21 not exceeding thirty days.

22 (2) In the event that the hearing on the rule for the protective order is
23 continued by the court because of a declared state of emergency made in accordance
24 with R.S. 29:724, any temporary restraining order issued in the matter shall remain
25 in force for five days after the date of conclusion of the state of emergency. When
26 a temporary restraining order remains in force under this Paragraph, the court shall
27 reassign the rule for a protective order for hearing at the earliest possible time, but

1 no later than five days after the date of conclusion of the state of emergency. The
 2 reassignment of the rule shall take precedence over all matters except older matters
 3 of the same character.

* * *

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

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

13 B. In the event that the hearing on the issuance of a preliminary injunction
 14 is continued by the court because of a declared state of emergency made in
 15 accordance with R.S. 29:724, any temporary restraining order issued in the matter
 16 shall remain in force for five days after the conclusion of the state of emergency.
 17 When a temporary restraining order remains in force under this Paragraph, the court
 18 shall reassign the application for a preliminary injunction for hearing at the earliest
 19 possible time, but no later than five days after the conclusion of the state of
 20 emergency. The reassignment of the application shall take precedence over all
 21 matters except older matters of the same character.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____