

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

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

Existing 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.

Prior law provided 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.

New law amends prior 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.

Prior law provided 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.

New 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.

Existing 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.

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

Existing 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.

New 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.

Prior law provided 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.

New law amends prior 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 existing law regardless of whether the person has a prior conviction for the same offense.

Existing 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. Existing 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 prior law.

New law amends prior 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 new law provisions for domestic abuse battery.

Effective Aug. 1, 2014.

(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))