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## DIGEST

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HB 73 Original

2015 Regular Session

Norton

**Abstract:** Expands the type of abuse or violence for which a person may seek protection pursuant to the Protection from Family Violence and the Protection from Dating Violence Acts, and provides relative to the issuance of an order of protection as a condition of bail for stalking and other offenses against a family or household member or dating partner.

Present law provides for the Protection from Family Violence Act (R.S. 46:2131 et seq.) which provides certain services, benefits, and assistance to persons seeking protection from "domestic abuse". In addition, present law provides for the Protection from Dating Violence Act (R.S. 46:2151 et seq.) which provides that a person seeking protection from "dating violence" shall be eligible to receive all services, benefits, and other forms of assistance provided by the Protection from Family Violence Act.

Acts defined as "domestic abuse" or "dating violence" pursuant to the provisions of present law include physical abuse, sexual abuse, or any offense against the person as defined by the Criminal Code of La., except negligent injury and defamation, when committed by one family or household member against another or by one dating partner against the other.

Proposed law retains present law, and expands the types of acts that are considered "domestic abuse" or "dating violence" to include the threat to commit any of these acts.

Pursuant to these present law Acts, a person seeking protection from "domestic abuse" or "dating violence":

- (1) May file a petition for a protective order or a temporary restraining order.
- (2) Have all court costs, attorneys fees, costs of enforcement, and modifications proceedings, costs of appeals, evaluation fees, and expert witness fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance or dating violence assistance paid by the perpetrator.

Present law (R.S. 46:2136.2) further provides that all orders issued pursuant to the provisions of these Acts shall be transmitted to the Judicial Administrator's Office of the La. Supreme Court for entry into the La. Protective Order Registry.

Present law (R.S. 46:2136.3) prohibits any person against whom the court has issued a permanent injunction or protective order pursuant to the provisions of these Acts or pursuant to other provisions

of present law, including an order issued as a condition of release on bail for the crime of stalking or for an offense against a dating partner or a family or household member, from possessing a firearm for the duration of the order when certain circumstances exist.

Present law (C.Cr.P. Arts. 335.1 and 335.2) provides that in determining the conditions of release of a defendant who is alleged to have committed an offense against the defendant's family or household member or dating partner, or who is alleged to have committed the offense of domestic abuse battery or stalking, the court shall consider whether the defendant poses a threat or a danger to the victim. If the court makes this determination, present law requires the court to order, as a condition of bail, that the defendant refrain from going to the victim's residence, school, and place of employment or otherwise contacting the victim in any manner. Any such order shall be included in the La. Protective Order Registry, pursuant to present law.

Proposed law retains present law and provides that the court shall also make such order if requested by the victim regardless of whether the court has determined that the defendant poses a threat or danger to the victim.

(Amends R.S. 46:2132(3) and 2151(C) and C.Cr.P. Arts. 335.1(A)(1)(a) and 335.2(A))