

2016 Regular Session

HOUSE BILL NO. 931

BY REPRESENTATIVE WHITE

CRIME: Amends provisions of law regarding domestic abuse battery

1 AN ACT

2 To amend and reenact R.S. 14:35.3(C)(1) and (2), (D), and (H) and to enact R.S. 14:35.3(N),  
3 relative to domestic abuse battery; to require completion of court-monitored  
4 domestic abuse intervention program as a part of the sentence for conviction of  
5 domestic abuse battery; to provide for increased penalties in certain domestic abuse  
6 battery cases; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:35.3(C)(1) and (2), (D), and (H) are hereby amended and  
9 reenacted and R.S. 14:35.3(N) is hereby enacted to read as follows:

10 §35.3. Domestic abuse battery

11 \* \* \*

12 C. On a first conviction, notwithstanding any other provision of law to the  
13 contrary, the offender shall be fined not less than three hundred dollars nor more than  
14 one thousand dollars and shall be imprisoned for not less than thirty days nor more  
15 than six months. At least forty-eight hours of the sentence imposed shall be served  
16 without benefit of parole, probation, or suspension of sentence. Imposition or  
17 execution of the remainder of the sentence shall not be suspended unless either of the  
18 following occurs:

19 (1) The offender is placed on probation with a minimum condition that he  
20 serve four days in jail and ~~participate in~~ complete a court-monitored domestic abuse  
21 intervention program, and the offender shall not own or possess a firearm throughout  
22 the entirety of the sentence.

1           (2) The offender is placed on probation with a minimum condition that he  
2 perform eight, eight-hour days of court-approved community service activities and  
3 ~~participate in~~ complete a court-monitored domestic abuse intervention program, and  
4 the offender shall not own or possess a firearm throughout the entirety of the  
5 sentence.

6           D. On a conviction of a second offense, notwithstanding any other provision  
7 of law to the contrary, regardless of whether the second offense occurred before or  
8 after the first conviction, the offender shall be fined not less than seven hundred fifty  
9 dollars nor more than one thousand dollars and shall be imprisoned with or without  
10 hard labor for not less than sixty days nor more than one year. At least fourteen days  
11 of the sentence imposed shall be served without benefit of parole, probation, or  
12 suspension of sentence, and the offender shall be required to ~~participate in~~ complete  
13 a court-monitored domestic abuse intervention program. Imposition or execution of  
14 the remainder of the sentence shall not be suspended unless either of the following  
15 occurs:

16           (1) The offender is placed on probation with a minimum condition that he  
17 serve thirty days in jail and ~~participate in~~ complete a court-monitored domestic abuse  
18 intervention program, and the offender shall not own or possess a firearm throughout  
19 the entirety of the sentence.

20           (2) The offender is placed on probation with a minimum condition that he  
21 perform thirty eight-hour days of court-approved community service activities and  
22 ~~participate in~~ complete a court-monitored domestic abuse intervention program, and  
23 the offender shall not own or possess a firearm throughout the entirety of the  
24 sentence.

25   \*       \*       \*

26           H. An offender ordered to ~~participate in~~ complete a court-monitored  
27 domestic abuse intervention program required by the provisions of this Section shall  
28 pay the cost incurred in participation in the program. Failure to make such payment

CODING: Words in struck-through type are deletions from existing law; words underscored are additions.

1 shall subject the offender to revocation of probation, unless the court determines that  
2 the offender is unable to pay.

3 \* \* \*

4 N. If the offender has committed the domestic abuse battery as part of a  
5 pattern of intentional and repeated acts of domestic abuse in which the offender has  
6 threatened to use or has actually used physical, sexual, verbal or emotional abuse  
7 committed for the purpose of controlling a family member or household member, the  
8 offender, who is sentenced under the provisions of this Section, shall be required to  
9 serve a minimum of forty-five days without benefit of suspension of sentence for a  
10 first conviction, a minimum of one year imprisonment without benefit of suspension  
11 of sentence upon a second conviction, a minimum of two years with or without hard  
12 labor without benefit of probation, parole, or suspension of sentence upon a third  
13 conviction, and a minimum of four years at hard labor without benefit of probation,  
14 parole, or suspension of sentence upon a fourth or subsequent conviction.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 931 Original

2016 Regular Session

White

**Abstract:** Provides with respect to sentencing for the crime of domestic abuse battery.

Present law provides for the crime of domestic abuse battery, and provides for penalties which include participation in a court-monitored domestic abuse intervention program.

Proposed law changes present law to require completion of this program rather than participation in the program.

Proposed law provides for minimum mandatory sentences if the domestic abuse battery is a part of a pattern of intentional and repeated acts of domestic abuse in which the offender has threatened to use or actually used physical, sexual, verbal or emotional abuse committed for the purpose of controlling a family member or household member of the offender.

Proposed law provides penalties of a minimum of 45 days without benefit of suspension of sentence for a first conviction, a minimum of one year imprisonment upon a second conviction, a minimum of two years with or without hard labor upon a third conviction, and a minimum of four years at hard labor upon a fourth or subsequent conviction. All sentences must be served without benefit of probation, parole, or suspension of sentence.

(Amends R.S. 14:35.3(C)(1) and (2), (D), and (H); Adds R.S. 14:35.3(N))