

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), relative to domestic abuse
3 battery; to require completion of court-monitored domestic abuse intervention
4 program as a part of the sentence for conviction of domestic abuse battery; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §35.3. Domestic abuse battery

10 * * *

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

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

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

3 * * *

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)]

HB 931 Engrossed

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.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Deletes the provision which provided for mandatory minimum sentences if the domestic abuse battery is part of a pattern of intentional and repeated acts of domestic abuse.