

Regular Session, 2014

HOUSE BILL NO. 750

BY REPRESENTATIVES MORENO, ADAMS, BADON, BARROW, BERTHELOT, BILLIOT, WESLEY BISHOP, BROSSETT, BROWN, HENRY BURNS, TIM BURNS, BURRELL, CARTER, CHAMPAGNE, CONNICK, COX, DIXON, EDWARDS, FOIL, GAINES, GISCLAIR, GUILLORY, HARRIS, HAZEL, HENRY, HENSGENS, HILL, HONORE, HOWARD, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, NANCY LANDRY, TERRY LANDRY, LEGER, LEOPOLD, LORUSSO, MILLER, MONTOUCET, JAY MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, POPE, PRICE, PYLANT, REYNOLDS, RICHARD, RITCHIE, SCHEXNAYDER, SCHRODER, SHADOIN, SMITH, ST. GERMAIN, THIBAUT, THIERRY, ALFRED WILLIAMS, WILLMOTT, AND WOODRUFF AND SENATORS ALARIO, APPEL, BROOME, BROWN, BUFFINGTON, DONAHUE, DORSEY-COLOMB, ERDEY, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, RISER, GARY SMITH, WALSWORTH, AND WARD

1 AN ACT

2 To amend and reenact R.S. 9:366(A) and 372(B) and (C), R.S. 14:79(B), (C), (E), and (F),  
3 R.S. 46:2135(G) and (H), 2136(E), (G), and (H), 2136.2(A) and (D), and 2140,  
4 Children's Code Articles 1569(H) and (I) and 1570(E), (G), and (H), Code of Civil  
5 Procedure Article 3607.1, and Code of Criminal Procedure Articles 30(B), 327.1,  
6 335.2(C), and 871.1, relative to protective orders issued in conjunction with cases of  
7 domestic abuse; to provide relative to the procedures for filing Uniform Abuse  
8 Prevention Orders in the Louisiana Protective Order Registry; to provide relative to  
9 the duties of judges, clerks of court, and the Judicial Administrator's Office of the  
10 Louisiana Supreme Court relative to the issuance of temporary restraining orders,  
11 preliminary or permanent injunctions, and protective orders; to provide relative to  
12 the penalties for violations of protective orders; to provide relative to the duty of law  
13 enforcement with regard to enforcing protective orders and violations of protective  
14 orders; to provide relative to the determination by law enforcement of the  
15 predominant aggressor in domestic abuse cases; to provide for a presumption  
16 regarding the predominant aggressor; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 9:366(A) and 372(B) and (C) are hereby amended and reenacted to  
3 read as follows:

4 §366. Injunctions

5 A. All separation, divorce, child custody, and child visitation orders and  
6 judgments in family violence cases shall contain an injunction as defined in R.S.  
7 9:362. Upon issuance of such injunction, the judge shall cause to have prepared a  
8 Uniform Abuse Prevention Order as provided in R.S. 46:2136.2(C), shall sign such  
9 order, and shall immediately forward it to the clerk of court for filing, ~~all without~~  
10 ~~delay on the day that the order is issued.~~ The clerk of the issuing court shall transmit  
11 the Uniform Abuse Prevention Order to the Judicial Administrator's Office,  
12 Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as  
13 provided in R.S. 46:2136.2(A), by facsimile transmission, ~~mail,~~ or direct electronic  
14 input, ~~where available,~~ as expeditiously as possible, but no later than the end of the  
15 next business day after the order is filed with the clerk of court. The clerk of the  
16 issuing court shall also send a copy of the Uniform Abuse Prevention Order, as  
17 provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law  
18 enforcement officer of the parish where the person or persons protected by the order  
19 reside by facsimile transmission or direct electronic input as expeditiously as  
20 possible, but no later than the end of the next business day after the order is filed  
21 with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be  
22 retained on file in the office of the chief law enforcement officer until otherwise  
23 directed by the court.

24 \* \* \*

25 §372. Injunction against abuse; form; central registry

26 \* \* \*

27 B. Immediately upon rendering a decision granting relief provided in  
28 Subsection A of this Section, the judge shall cause to have prepared a Uniform  
29 Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and

1 shall immediately forward it to the clerk of court for filing, ~~all without delay~~ on the  
2 day that the order is issued.

3 C. The clerk of the issuing court shall transmit the Uniform Abuse  
4 Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court,  
5 for entry into the Louisiana Protective Order Registry, as provided in R.S.  
6 46:2136.2(A), by facsimile transmission, ~~mail~~, or direct electronic input, ~~where~~  
7 ~~available~~, as expeditiously as possible, but no later than the end of the next business  
8 day after the order is filed with the clerk of court. The clerk of the issuing court shall  
9 also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.  
10 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of  
11 the parish where the person or persons protected by the order reside by facsimile  
12 transmission or direct electronic input as expeditiously as possible, but no later than  
13 the end of the next business day after the order is filed with the clerk of court. A  
14 copy of the Uniform Abuse Prevention Order shall be retained on file in the office  
15 of the chief law enforcement officer until otherwise directed by the court.

16 Section 2. R.S. 14:79(B), (C), (E), and (F) are hereby amended and reenacted to  
17 read as follows:

18 §79. Violation of protective orders

19 \* \* \*

20 B.(1) On a first conviction for violation of protective orders which does not  
21 involve a battery ~~to~~ or any crime of violence as defined by R.S. 14:2(B) against the  
22 person protected by the protective order, the offender shall be fined not more than  
23 five hundred dollars or imprisoned for not more than six months, or both.

24 (2) On a second conviction for violation of protective orders which does not  
25 involve a battery ~~to~~ or any crime of violence as defined by R.S. 14:2(B) against the  
26 person protected by the protective order, regardless of whether the second offense  
27 occurred before or after the first conviction, the offender shall be fined not more than  
28 one thousand dollars and imprisoned for not less than forty-eight hours nor more  
29 than six months. At least forty-eight hours of the sentence of imprisonment imposed  
30 under this Paragraph shall be without benefit of probation, parole, or suspension of

1 sentence. If a portion of the sentence is imposed with benefit of probation, parole,  
2 or suspension of sentence, the court shall require the offender to participate in a  
3 court-approved domestic abuse counseling program.

4 (3) On a third or subsequent conviction for violation of protective orders  
5 which does not involve a battery ~~to~~ or any crime of violence as defined by R.S.  
6 14:2(B) against the person protected by the protective order, regardless of whether  
7 the current offense occurred before or after the earlier convictions, the offender shall  
8 be fined not more than one thousand dollars and imprisoned for not less than  
9 fourteen days nor more than six months. At least fourteen days of the sentence of  
10 imprisonment imposed under this Paragraph shall be without benefit of probation,  
11 parole, or suspension of sentence. If a portion of the sentence is imposed with  
12 benefit of probation, parole, or suspension of sentence, the court shall require the  
13 offender to participate in a court-approved domestic abuse counseling program,  
14 unless the offender has previously been required to participate in such program and,  
15 in the discretion of the judge, the offender would not benefit from such counseling.

16 C.(1) Whoever is convicted of the offense of violation of protective orders  
17 where the violation involves a battery ~~to~~ or any crime of violence as defined by R.S.  
18 14:2(B) against the person protected by the protective order, and who has not been  
19 convicted of violating a protective order or of an assault or battery upon the person  
20 protected by the protective order within the five years prior to commission of the  
21 instant offense, shall be fined not more than five hundred dollars and imprisoned for  
22 not less than fourteen days nor more than six months. At least fourteen days of the  
23 sentence of imprisonment imposed under this Paragraph shall be without benefit of  
24 probation, parole, or suspension of sentence. If a portion of the sentence is imposed  
25 with benefit of probation, parole, or suspension of sentence, the court shall require  
26 the offender to participate in a court-approved domestic abuse counseling program  
27 as part of that probation.

28 (2) Whoever is convicted of the offense of violation of protective orders  
29 where the violation involves a battery ~~to~~ or any crime of violence as defined by R.S.  
30 14:2(B) against the person for whose benefit the protective order is in effect, and

1 who has been convicted not more than one time of violating a protective order or of  
 2 an assault or battery upon the person for whose benefit the protective order is in  
 3 effect within the five-year period prior to commission of the instant offense,  
 4 regardless of whether the instant offense occurred before or after the earlier  
 5 convictions, shall be fined not more than one thousand dollars and imprisoned for not  
 6 less than three months nor more than six months. At least fourteen days of the  
 7 sentence of imprisonment imposed under this Paragraph shall be without benefit of  
 8 probation, parole, or suspension of sentence. If a portion of the sentence is imposed  
 9 with benefit of probation, parole, or suspension of sentence, the court shall require  
 10 the offender to participate in a court-approved domestic abuse counseling program,  
 11 unless the offender has previously been required to participate in such program and,  
 12 in the discretion of the court, the offender would not benefit from such counseling.

13 (3) Whoever is convicted of the offense of violation of protective orders  
 14 where the violation involves a battery ~~to~~ or any crime of violence as defined by R.S.  
 15 14:2(B) against the person for whose benefit the protective order is in effect, and  
 16 who has more than one conviction of violating a protective order or of an assault or  
 17 battery upon the person for whose benefit the protective order is in effect during the  
 18 five-year period prior to commission of the instant offense, regardless of whether the  
 19 instant offense occurred before or after the earlier convictions, the offender shall be  
 20 fined not more than two thousand dollars and imprisoned with or without hard labor  
 21 for not less than one year nor more than five years. At least one year of the sentence  
 22 of imprisonment imposed under this Paragraph shall be without benefit of probation,  
 23 parole, or suspension of sentence.

24 \* \* \*

25 E.(1) Law enforcement officers shall use every reasonable means, including  
 26 but not limited to immediate arrest of the violator, to enforce a preliminary or  
 27 permanent injunction or protective order obtained pursuant to R.S. 9:361 et seq., R.S.  
 28 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code  
 29 of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles  
 30 327.1, ~~335.1~~ 335.2, and 871.1 after a contradictory court hearing, or to enforce a

1 temporary restraining order or ex parte protective order issued pursuant to R.S. 9:361  
2 et seq., R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564  
3 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal  
4 Procedure Articles 327.1 and ~~335.1~~ 335.2 if the defendant has been given notice of  
5 the temporary restraining order or ex parte protective order by service of process as  
6 required by law.

7 (2) Law enforcement officers shall at a minimum issue a summons to the  
8 person in violation of a temporary restraining order, a preliminary or permanent  
9 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,  
10 R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of  
11 Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles  
12 30, 327.1, 335.2, and 871.1.

13 F. This Section shall not be construed to bar or limit the effect of any other  
14 criminal statute or civil remedy.

15 \* \* \*

16 Section 3. R.S. 46:2135(G) and (H), 2136(E), (G), and (H), 2136.2(A) and (D), and  
17 2140 are hereby amended and reenacted to read as follows:

18 §2135. Temporary restraining order

19 \* \* \*

20 G. Immediately upon entering a temporary restraining order, the judge shall  
21 cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S.  
22 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of  
23 court for filing, ~~all without delay~~ on the day that the order is issued.

24 H. The clerk of the issuing court shall transmit the Uniform Abuse  
25 Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court,  
26 for entry into the Louisiana Protective Order Registry, as provided in R.S.  
27 46:2136.2(A), by facsimile transmission, ~~mail~~, or direct electronic input, ~~where~~  
28 ~~available~~, as expeditiously as possible, but no later than the end of the next business  
29 day after the order is filed with the clerk of court. The clerk of the issuing court shall  
30 also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.

1           46:2136.2(C), or any modification thereof, to the chief law enforcement officer of  
 2           the parish where the person or persons protected by the order reside by facsimile  
 3           transmission or direct electronic input as expeditiously as possible, but no later than  
 4           the end of the next business day after the order is filed with the clerk of court. A  
 5           copy of the Uniform Abuse Prevention Order shall be retained on file in the office  
 6           of the chief law enforcement officer until otherwise directed by the court.

7   \*       \*       \*

8           §2136. Protective orders; content; modification; service

9   \*       \*       \*

10                           E. A protective order made under this Part shall be served on the person to  
 11                           whom the order applies in open court at the close of the hearing, or in the same  
 12                           manner as a writ of injunction. ~~The clerk of the issuing court shall send a copy of~~  
 13                           ~~the Uniform Abuse Prevention Order, R.S. 46:2136.2(C), or any modification thereof~~  
 14                           ~~to the chief law enforcement official of the parish where the person or persons~~  
 15                           ~~protected by the order reside. A copy of the Uniform Abuse Prevention Order shall~~  
 16                           ~~be retained on file in the office of the chief law enforcement officer as provided~~  
 17                           ~~herein until otherwise directed by the court.~~

18   \*       \*       \*

19                           G. Immediately upon granting a protective order or approving any consent  
 20                           agreement, the judge shall cause to have prepared a Uniform Abuse Prevention  
 21                           Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately  
 22                           forward it to the clerk of court for filing, ~~all without delay~~ on the day that the order  
 23                           is issued.

24                           H. The clerk of the issuing court shall transmit the Uniform Abuse  
 25                           Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court,  
 26                           for entry into the Louisiana Protective Order Registry, as provided in R.S.  
 27                           46:2136.2(A), by facsimile transmission, ~~mail~~, or direct electronic input, ~~where~~  
 28                           ~~available~~, as expeditiously as possible, but no later than the end of the next business  
 29                           day after the order is filed with the clerk of court. The clerk of the issuing court shall  
 30                           also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.

1           46:2136.2(C), or any modification thereof, to the chief law enforcement officer of  
 2           the parish where the person or persons protected by the order reside by facsimile  
 3           transmission or direct electronic input as expeditiously as possible, but no later than  
 4           the end of the next business day after the order is filed with the clerk of court. A  
 5           copy of the Uniform Abuse Prevention Order shall be retained on file in the office  
 6           of the chief law enforcement officer until otherwise directed by the court.

7   \*           \*           \*

8           §2136.2. Louisiana Protective Order Registry

9                           A. In order to provide a statewide registry for abuse prevention orders to  
 10                          prevent domestic and dating violence and to aid law enforcement, prosecutors, and  
 11                          the courts in handling such matters, there shall be created a Louisiana Protective  
 12                          Order Registry administered by the Judicial Administrator's Office, Louisiana  
 13                          Supreme Court. The Judicial Administrator's Office shall collect the data transmitted  
 14                          to it from the courts of the state and enter it into the Louisiana Protective Order  
 15                          Registry as expeditiously as possible.

16   \*           \*           \*

17                          D. The clerk of the issuing court shall immediately send a copy of the order  
 18                          or any modification thereof to the Louisiana Protective Order Registry and to the  
 19                          chief law enforcement officer of the parish in which the person or persons protected  
 20                          by the order reside as expeditiously as possible but no later than by the end of the  
 21                          next business day after the order is filed with the clerk of court. Transmittal of the  
 22                          Uniform Abuse Prevention Order ~~may~~ shall be made by facsimile transmission, ~~mail,~~  
 23                          or direct electronic input, ~~where available,~~ as expeditiously as possible, but no later  
 24                          than the end of the next business day after the order is filed with the clerk of court.

25   \*           \*           \*

26           §2140. Law enforcement officers; duties

27                          A. If a law enforcement officer has reason to believe that a family or  
 28                          household member or dating partner has been abused and the abusing party is in  
 29                          violation of a temporary restraining order, a preliminary or permanent injunction, or  
 30                          a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2131 et



1           seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of Civil Procedure  
 2           Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.2,  
 3           and 871.1, the officer shall immediately arrest the abusing party.

4           B. ~~Whenever~~ If a law enforcement officer has reason to believe that a family  
 5           or household member or dating partner has been abused, and the abusing party is not  
 6           in violation of a restraining order, a preliminary or permanent injunction, or a  
 7           protective order, the officer shall immediately use all reasonable means to prevent  
 8           further abuse, including:

9                     (1) Arresting the abusive party with a warrant or without a warrant pursuant  
 10                    to Code of Criminal Procedure Article 213, if probable cause exists to believe that  
 11                    a felony has been committed by that person, whether or not the offense occurred in  
 12                    the officer's presence.

13                    (2) Arresting the abusive party in case of any misdemeanor crime which  
 14                    endangers the physical safety of the abused person whether or not the offense  
 15                    occurred in the presence of the officer. If there is no cause to believe there is  
 16                    impending danger, arresting the abusive party is at the officer's discretion.

17                    (3) Assisting the abused person in obtaining medical treatment necessitated  
 18                    by the battery; arranging for, or providing, or assisting in the procurement of  
 19                    transportation for the abused person to a place of shelter or safety.

20                    (4) Notifying the abused person of his right to initiate criminal or civil  
 21                    proceedings; the availability of the protective order, R.S. 46:2136; and the  
 22                    availability of community assistance for domestic violence victims.

23                    ~~B.C.~~(1) When a law enforcement officer receives conflicting accounts of  
 24                    domestic abuse or dating violence, the officer shall evaluate each account separately  
 25                    to determine if one party was the predominant aggressor.

26                    (2) In determining if one party is the predominant aggressor, the law  
 27                    enforcement officer may consider any other relevant factors, but shall consider the  
 28                    following factors based upon his or her observation:

29                             (a) Evidence from complainants and other witnesses.

30                             (b) The extent of personal injuries received by each person.

1 (c) Whether a person acted in self-defense.

2 (d) An imminent threat of future injury to any of the parties.

3 (e) Prior complaints of domestic abuse or dating violence, if that history can  
4 be reasonably ascertained by the officer.

5 (f) The future welfare of any minors who are present at the scene.

6 (g) The existence of a temporary restraining order, a preliminary or  
7 permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S.  
8 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code  
9 of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles  
10 30, 327.1, 335.2, and 871.1. The officer shall presume that the predominant  
11 aggressor is the person against whom the order was issued.

12 (3)(a) If the officer determines that one person was the predominant  
13 aggressor in a felony offense, the officer shall arrest that person. The arrest shall be  
14 subject to the laws governing arrest, including the need for probable cause as  
15 otherwise provided by law.

16 (b) If the officer determines that one person was the predominant aggressor  
17 in a misdemeanor offense, the officer shall arrest the predominant aggressor if there  
18 is reason to believe that there is impending danger or if the predominant aggressor  
19 is in violation of a temporary restraining order, a preliminary or permanent  
20 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,  
21 R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of  
22 Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles  
23 30, 327.1, 335.2, and 871.1. If there is no threat of impending danger or no violation  
24 of a temporary restraining order, a preliminary or permanent injunction, or a  
25 protective order, the officer may arrest the predominant aggressor at the officer's  
26 discretion, whether or not the offense occurred in the presence of the officer. An  
27 arrest pursuant to the provisions of this Subparagraph shall be subject to the laws  
28 governing arrest, including the need for probable cause as otherwise provided by  
29 law. The exceptions provided for in ~~R.S. 46:2140~~ this Section shall apply.

30 (4) As used in this Subsection:

1 (a) "Dating violence" has the meaning as defined in R.S. 46:2151(C).

2 (b) "Domestic abuse" has the meaning as defined in R.S. 46:2132(3).

3 Section 4. Children's Code Articles 1569(H) and (I) and 1570(E), (G), and (H) are  
4 hereby amended and reenacted to read as follows:

5 Art. 1569. Temporary restraining order

6 \* \* \*

7 H. Immediately upon rendering a decision granting the relief requested by  
8 the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention  
9 Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately  
10 forward it to the clerk of court for filing, ~~all without delay~~ on the day that the order  
11 is issued.

12 I. If a temporary restraining order is issued or extended, the clerk of the  
13 issuing court shall transmit the Uniform Abuse Prevention Order to the Judicial  
14 Administrator's Office, Louisiana Supreme Court, for entry into the Louisiana  
15 Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile  
16 transmission, ~~mail~~, or direct electronic input, ~~where available~~, as expeditiously as  
17 possible, but no later than the end of the next business day after the order is filed  
18 with the clerk of court. The clerk of the issuing court shall also send a copy of the  
19 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any  
20 modification thereof, to the chief law enforcement officer of the parish where the  
21 person or persons protected by the order reside by facsimile transmission or direct  
22 electronic input as expeditiously as possible, but no later than the end of the next  
23 business day after the order is filed with the clerk of court. A copy of the Uniform  
24 Abuse Prevention Order shall be retained on file in the office of the chief law  
25 enforcement officer until otherwise directed by the court.

26 Art. 1570. Protective orders; content; modification; service

27 \* \* \*

28 E. A protective order made under this Chapter shall be served on the person  
29 to whom the order applied in open court at the close of the hearing, or in the same  
30 manner as a writ of injunction. ~~The clerk of the issuing court shall send a copy of~~

1           ~~the Uniform Abuse Prevention Order, R.S. 46:2136.2(C), or any modification thereof~~  
 2           ~~to the chief law enforcement official of the parish where the person or persons~~  
 3           ~~protected by the order reside. A copy of the Uniform Abuse Prevention Order shall~~  
 4           ~~be retained on file in the office of the chief law enforcement officer as provided~~  
 5           ~~herein until otherwise directed by the court.~~

\*       \*       \*

7           G. Immediately upon rendering a decision granting the relief requested by  
 8           the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention  
 9           Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately  
 10          forward it to the clerk of court for filing, ~~all without delay~~ on the day that the order  
 11          is issued.

12          H. If a protective order is issued or modified, or a consent agreement is  
 13          agreed to or modified, the clerk of the issuing court shall transmit the Uniform Abuse  
 14          Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court,  
 15          for entry into the Louisiana Protective Order Registry, as provided in R.S.  
 16          46:2136.2(A), by facsimile transmission, ~~mail~~, or direct electronic input, ~~where~~  
 17          ~~available~~, as expeditiously as possible, but no later than the end of the next business  
 18          day after the order is filed with the clerk of court. The clerk of the issuing court shall  
 19          also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.  
 20          46:2136.2(C), or any modification thereof, to the chief law enforcement officer of  
 21          the parish where the person or persons protected by the order reside by facsimile  
 22          transmission or direct electronic input as expeditiously as possible, but no later than  
 23          the end of the next business day after the order is filed with the clerk of court. A  
 24          copy of the Uniform Abuse Prevention Order shall be retained on file in the office  
 25          of the chief law enforcement officer until otherwise directed by the court.

\*       \*       \*

27          Section 5. Code of Civil Procedure Article 3607.1 is hereby amended and reenacted  
 28          to read as follows:

1 Art. 3607.1. Registry of temporary restraining order, preliminary injunction or  
2 permanent injunction, ~~their dissolution or modification~~

3 A. Immediately upon rendering a decision granting the petitioner a  
4 temporary restraining order or a preliminary or permanent injunction prohibiting a  
5 person from harming a family or household member or dating partner, the judge shall  
6 cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S.  
7 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of  
8 court for filing, ~~all without delay~~ on the day that the order is issued.

9 B. Where a temporary restraining order, preliminary injunction, or  
10 permanent injunction relative to domestic abuse or dating violence is issued,  
11 dissolved, or modified, the clerk of court shall transmit the Uniform Abuse  
12 Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court,  
13 for entry into the Louisiana Protective Order Registry, as provided in R.S.  
14 46:2136.2(A), by facsimile transmission, ~~mail~~, or direct electronic input, ~~where~~  
15 ~~available~~, as expeditiously as possible, but no later than the end of the next business  
16 day after the order is filed with the clerk of court. The clerk of the issuing court shall  
17 also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.  
18 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of  
19 the parish where the person or persons protected by the order reside by facsimile  
20 transmission or direct electronic input as expeditiously as possible, but no later than  
21 the end of the next business day after the order is filed with the clerk of court. A  
22 copy of the Uniform Abuse Prevention Order shall be retained on file in the office  
23 of the chief law enforcement officer until otherwise directed by the court.

24 Section 6. Code of Criminal Procedure Articles 30(B), 327.1, 335.2(C), and 871.1  
25 are hereby amended and reenacted to read as follows:

26 Art. 30. The peace bond

27 \* \* \*

28 B. If the peace bond is for the purpose of preventing domestic abuse or  
29 dating violence, the magistrate shall cause to have prepared a Uniform Abuse  
30 Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall

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

1 immediately forward it to the clerk of court for filing, ~~all without delay~~ on the day  
 2 that the order is issued. The clerk of the issuing court shall transmit the Uniform  
 3 Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme  
 4 Court, for entry into the Louisiana Protective Order Registry, as provided in R.S.  
 5 46:2136.2(A), by facsimile transmission, ~~mail,~~ or direct electronic input, ~~where~~  
 6 available, as expeditiously as possible, but no later than the end of the next business  
 7 day after the order is filed with the clerk of court. The clerk of the issuing court shall  
 8 also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.  
 9 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of  
 10 the parish where the person or persons protected by the order reside by facsimile  
 11 transmission or direct electronic input as expeditiously as possible, but no later than  
 12 the end of the next business day after the order is filed with the clerk of court. A  
 13 copy of the Uniform Abuse Prevention Order shall be retained on file in the office  
 14 of the chief law enforcement officer until otherwise directed by the court.

15 \* \* \*

16 Art. 327.1. Bail restrictions to be transmitted to Louisiana Protective Order Registry

17 If, as part of a bail restriction, an order is issued for the purpose of preventing  
 18 violent or threatening acts or harassment against, or contact or communication with  
 19 or physical proximity to, another person for the purpose of preventing domestic  
 20 abuse, stalking, or dating violence, the judge shall cause to have prepared a Uniform  
 21 Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and  
 22 shall forward it to the clerk of court for filing, ~~all without delay~~ by the end of the  
 23 next business day after the order is issued. The clerk of the issuing court shall  
 24 transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Office,  
 25 Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as  
 26 provided in R.S. 46:2136.2(A), by facsimile transmission, ~~mail,~~ or direct electronic  
 27 input, ~~where available,~~ as expeditiously as possible, but no later than the end of the  
 28 next business day after the order is filed with the clerk of court. The clerk of the  
 29 issuing court shall also send a copy of the Uniform Abuse Prevention Order, as  
 30 provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law

1 enforcement officer of the parish where the person or persons protected by the order  
 2 reside by facsimile transmission or direct electronic input as expeditiously as  
 3 possible, but no later than the end of the next business day after the order is filed  
 4 with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be  
 5 retained on file in the office of the chief law enforcement officer until otherwise  
 6 directed by the court.

7 \* \* \*

8 Art. 335.2. Stalking; conditions of release

9 \* \* \*

10 C. If, as part of a bail restriction, an order is issued pursuant to the provisions  
 11 of this Article, the judge shall cause to have prepared a Uniform Abuse Prevention  
 12 Order, as provided in R.S. 46:2136.2, shall sign such order, and shall forward it to  
 13 the clerk of court for filing, ~~all without delay~~ by the end of the next business day  
 14 after the order is issued. The clerk of the issuing court shall transmit the Uniform  
 15 Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme  
 16 Court, for entry into the Louisiana Protective Order Registry, as provided in R.S.  
 17 46:2136.2(A), by facsimile transmission, ~~mail,~~ or direct electronic input, ~~where~~  
 18 available, as expeditiously as possible, but no later than the end of the next business  
 19 day after the order is filed with the clerk of court. The clerk of the issuing court shall  
 20 also send a copy of the Uniform Abuse Prevention Order, as provided in R.S.  
 21 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of  
 22 the parish where the person or persons protected by the order reside by facsimile  
 23 transmission or direct electronic input as expeditiously as possible, but no later than  
 24 the end of the next business day after the order is filed with the clerk of court. A  
 25 copy of the Uniform Abuse Prevention Order shall be retained on file in the office  
 26 of the chief law enforcement officer until otherwise directed by the court.

27 \* \* \*

28 Art. 871.1. Sentencing orders to be sent to Louisiana Protective Order Registry

29 If part of the sentence contains an order for the purpose of preventing violent  
 30 or threatening acts or harassment against, contact or communication with, or physical

1           proximity to, another person in order to prevent domestic abuse or dating violence,  
2           the judge shall cause to have prepared a Uniform Abuse Prevention Order, as  
3           provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward  
4           it to the clerk of court for filing, ~~all without delay~~ on the day that the order is issued.  
5           The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to  
6           the Judicial Administrator's Office, Louisiana Supreme Court, for entry into the  
7           Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile  
8           transmission, ~~mail,~~ or direct electronic input, ~~where available,~~ as expeditiously as  
9           possible, but no later than the end of the next business day after the order is filed  
10          with the clerk of court. The clerk of the issuing court shall also send a copy of the  
11          Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any  
12          modification thereof, to the chief law enforcement officer of the parish where the  
13          person or persons protected by the order reside by facsimile transmission or direct  
14          electronic input as expeditiously as possible, but no later than the end of the next  
15          business day after the order is filed with the clerk of court. A copy of the Uniform  
16          Abuse Prevention Order shall be retained on file in the office of the chief law  
17          enforcement officer until otherwise directed by the court.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_