

2017 Regular Session

HOUSE BILL NO. 27

BY REPRESENTATIVE CONNICK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DOMESTIC ABUSE: Provides assistance and protection from domestic abuse to all persons presently or formerly living in the same residence as spouses

1 AN ACT

2 To amend and reenact R.S. 14:35.3(B)(5) and 37.7(B)(2) and R.S. 46:2132(4), relative to
3 victims of domestic abuse; to amend the definition of "household member" for
4 purposes of domestic abuse battery, domestic abuse aggravated assault, and domestic
5 abuse assistance; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:35.3(B)(5) and 37.7(B)(2) are hereby amended and reenacted to
8 read as follows:

9 §35.3. Domestic abuse battery

10 * * *

11 B. For purposes of this Section:

12 * * *

13 (5) "Household member" means any person ~~of the opposite sex~~ presently or
14 formerly living in the same residence with the offender as a spouse, whether married
15 or not, or any child presently or formerly living in the same residence with the
16 offender, or any child of the offender regardless of where the child resides.

17 * * *

18 §37.7. Domestic abuse aggravated assault

19 * * *

1 B. For purposes of this Section:

2 * * *

3 (2) "Household member" means any person ~~of the opposite sex~~ presently or
4 formerly living in the same residence with the offender as a spouse, whether married
5 or not, or any child presently or formerly living in the same residence with the
6 offender, or any child of the offender regardless of where the child resides.

7 * * *

8 Section 2. R.S. 46:2132(4) is hereby amended and reenacted to read as follows:

9 §2132. Definitions

10 As used in this Part:

11 * * *

12 (4) "Family members" means spouses, former spouses, parents and children,
13 stepparents, stepchildren, foster parents, and foster children. "Household members"
14 means any person ~~of the opposite sex~~ presently or formerly living in the same
15 residence with the defendant as a spouse, whether married or not, who is seeking
16 protection under this Part. "Dating partner" means any person protected from
17 violence under R.S. 46:2151 who is seeking protection under this Part. If a parent
18 or grandparent is being abused by an adult child, adult foster child, or adult
19 grandchild, the provisions of this Part shall apply to any proceeding brought in
20 district court.

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 27 Original

2017 Regular Session

Connick

Abstract: Amends the definition of "household member" for purposes of domestic abuse assistance and application of certain domestic abuse offenses to include all persons presently or formerly living in the same residence as spouses.

Present law (R.S. 14:35.3) defines the crime of domestic abuse battery as the intentional use of force or violence committed by one household member or family member upon the person of another household member or family member.

Present law (R.S. 14:37.7) defines the crime of domestic abuse aggravated assault as an assault with a dangerous weapon committed by one household member or family member upon another household member or family member.

Present law provides for the issuance of temporary restraining orders, protective orders, and other assistance under the Protection From Family Violence Act for victims of domestic abuse committed by one family member or household member against another family member or household member.

For purposes of present law, "household member" is defined as any person of the opposite sex presently or formerly living in the same residence with the defendant as a spouse, whether married or not.

Proposed law amends the present law definition of "household member" by removing the restriction that a "household member" must be a person of the opposite sex for purposes of eligibility for domestic abuse assistance and the application of domestic abuse battery and domestic abuse aggravated assault.

(Amends R.S. 14:35.3(B)(5) and 37.7(B)(2) and R.S. 46:2132(4))