

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: Amends the definition of "household member" for purposes of assistance and protection from domestic abuse

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~~, and who is involved or has been involved in a sexual or intimate relationship
16 with the offender, or any child presently or formerly living in the same residence
17 with the offender, or any child of the offender regardless of where the child resides.

18 * * *

1 §37.7. Domestic abuse aggravated assault

2 * * *

3 B. For purposes of this Section:

4 * * *

5 (2) "Household member" means any person ~~of the opposite sex~~ presently or
6 formerly living in the same residence with the offender ~~as a spouse, whether married~~
7 ~~or not~~, and who is involved or has been involved in a sexual or intimate relationship
8 with the offender, or any child presently or formerly living in the same residence
9 with the offender, or any child of the offender regardless of where the child resides.

10 * * *

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

12 §2132. Definitions

13 As used in this Part:

14 * * *

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

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 and who are or were involved in a sexual or intimate relationship.

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.

For purposes of eligibility for domestic abuse assistance and the application of domestic abuse battery and domestic abuse aggravated assault, proposed law amends the present law definition of "household member" as follows:

- (1) Removes the requirement that the persons be of the opposite sex.
- (2) Removes the requirement that the persons were formerly or presently living together as spouses, whether married or not.
- (3) Adds the requirement that the persons are presently or formerly involved in a sexual or intimate relationship.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Amend the definition of "household member" to remove the requirement that the persons that were formerly or presently living together as spouses, whether married or not, and instead require the persons to be presently or formerly involved in a sexual or intimate relationship.