

2018 Regular Session

HOUSE BILL NO. 207

BY REPRESENTATIVE BAGLEY

DOMESTIC ABUSE: Requires those who serve temporary protective orders or protective orders to transmit a service return to the Louisiana Protective Order Registry

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1292, R.S. 14:79(A)(1)(b), and R.S.  
3 46:2136.2(A) and to enact Code of Civil Procedure Article 1293(D), relative to  
4 temporary restraining orders and protective orders; to require the transmission of  
5 proof of service of certain temporary restraining orders, protective orders,  
6 preliminary injunctions, permanent injunctions, and consent agreements to the  
7 Louisiana Protective Order Registry; to provide for the method of transmission and  
8 the time period within which transmission must be made; and to provide for related  
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Civil Procedure Article 1292 is hereby amended and reenacted  
12 and Code of Civil Procedure Article 1293(D) is hereby enacted to read as follows:

13 Art. 1292. Sheriff's return

14 A. The sheriff shall endorse on a copy of the citation or other process the  
15 date, place, and method of service and sufficient other data to show service in  
16 compliance with law. He shall sign and return the copy promptly after the service  
17 to the clerk of court who issued it. The return, when received by the clerk, shall form  
18 part of the record, and shall be considered prima facie correct. The court, at any time  
19 and upon such terms as are just, may allow any process or proof of service thereof

1 to be amended, unless it clearly appears that material prejudice would result to the  
2 substantial rights of the party against whom the process issued.

3 B. When the citation or other process is a temporary restraining order,  
4 protective order, preliminary injunction, permanent injunction, or court-approved  
5 consent agreement as referenced in R.S. 46:2136.2(B), the person making the  
6 service, or his designee, shall transmit proof of service to the Judicial Administrator's  
7 Office, Louisiana Supreme Court, for entry into the Louisiana Protective Order  
8 Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct  
9 electronic input as expeditiously as possible, but no later than twenty-four hours after  
10 making service. This proof shall be submitted on a form created by the Louisiana  
11 Protective Order Registry for this purpose, or at a minimum shall include the case  
12 caption, docket number, type of order, serving agency and officer, and the date and  
13 time service was made.

14 Art. 1293. Service by private person

15 \* \* \*

16 D. When the citation or other process is a temporary restraining order,  
17 protective order, preliminary injunction, permanent injunction, or court-approved  
18 consent agreement as referenced in R.S. 46:2136.2(B), the person making the  
19 service, or his designee, shall transmit proof of service to the Judicial Administrator's  
20 Office, Louisiana Supreme Court, for entry into the Louisiana Protective Order  
21 Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct  
22 electronic input as expeditiously as possible, but no later than twenty-four hours after  
23 making service. This proof shall be submitted on a form created by the Louisiana  
24 Protective Order Registry for this purpose, or at a minimum shall include the case  
25 caption, docket number, type of order, serving agency and officer, and the date and  
26 time service was made.

1 Section 2. R.S. 14:79(A)(1)(b) is hereby amended and reenacted to read as follows:

2 §79. Violation of protective orders

3 A.(1)

4 \* \* \*

5 (b) A defendant may also be deemed to have been properly served if  
6 tendered a certified copy of a temporary restraining order or ex parte protective  
7 order, or if tendered a faxed or electronic copy of a temporary restraining order or  
8 ex parte protective order received directly from the issuing magistrate,  
9 commissioner, hearing officer, judge or court, by any law enforcement officer who  
10 has been called to any scene where the named defendant is present. Such service of  
11 a previously issued temporary restraining order or ex parte protective order if noted  
12 in the police report shall be deemed sufficient evidence of service of process and  
13 admissible in any civil or criminal proceedings. A law enforcement officer making  
14 service under this Subsection shall transmit proof of service to the Judicial  
15 Administrator's Office, Louisiana Supreme Court, for entry into the Louisiana  
16 Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile  
17 transmission or direct electronic input as expeditiously as possible, but no later than  
18 twenty-four hours after making service. This proof shall be submitted on a form  
19 created by the Louisiana Protective Order Registry for this purpose, or at a minimum  
20 shall include the case caption, docket number, type of order, serving agency and  
21 officer, and the date and time service was made.

22 \* \* \*

23 Section 3. R.S. 46:2136.2(A) is hereby amended and reenacted to read as follows:

24 §2136.2. Louisiana Protective Order Registry

25 A. In order to provide a statewide registry for abuse prevention orders to  
26 prevent domestic abuse, dating violence, stalking, and sexual assault and to aid law  
27 enforcement, prosecutors, and the courts in handling such matters, there shall be  
28 created a Louisiana Protective Order Registry administered by the judicial  
29 administrator's office, Louisiana Supreme Court. The judicial administrator's office

