
DIGEST

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Burrell

HB No. 1142

Abstract: Provides relative to the issuance of a Uniform Abuse Prevention Order as a condition of bail for offenses against a family or household member or dating partner and prohibits the possession of firearms by persons subject to such orders.

Present law provides that in determining conditions of release of a defendant who is alleged to have committed an offense against the defendant's family or household member, the court shall consider whether the defendant poses a threat or danger to the victim.

Present law further provides that if the court determines that the defendant poses a threat or danger, it shall require, as a condition of bail, that the defendant refrain from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner, and shall refrain from having any further contact with the victim.

Proposed law retains present law and provides for the following:

- (1) If the judge orders the defendant to refrain from going to the residence, school, or place of employment of the victim, or otherwise contacting the victim pursuant to the provisions of present law, the judge shall cause to have prepared a Uniform Abuse Prevention Order, shall sign such order, and shall immediately forward it to the clerk of court for filing, on the day that the order is issued.
- (2) The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court.
- (3) The clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention Order, or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside. A copy of the Uniform Abuse Prevention Order shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.
- (4) If, as part of a bail restriction, an order is issued pursuant to the provisions of proposed law, the court shall also order that the defendant be prohibited from possessing a firearm, as defined by proposed law, for the duration of the Uniform Abuse Prevention Order.

Present law provides that in determining conditions of release of a defendant who is alleged to have committed the crime of stalking, the court shall issue a Uniform Abuse Prevention Order if the court determines that the defendant poses a threat or danger to the victim.

Present law provides for the crime of violation of protective orders and provides for the duties of law enforcement relative to the violation of protective orders.

Proposed law adds violations of a protective order issued pursuant to the provisions of proposed law and protective orders issued as a condition of bail for the crime of stalking to the crime of violation of protective orders.

Present law provides for the La. Protective Order Registry which encompasses temporary restraining orders, protective orders, preliminary injunctions, permanent injunctions, and court-approved consent agreements that are issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another person to prevent domestic abuse or dating violence.

Proposed law adds a protective order issued pursuant to the provisions of proposed law and orders issued as a condition of bail for the crime of stalking to the list of orders encompassed in the La. Protective Order Registry.

(Amends R.S. 14:79(A)(1)(a) and (E), R.S. 46:2136.2(B), and C.Cr.P. Art. 335.1(A)(1))