

New law requires a contradictory bail hearing for a felony offense against the defendant's family or household member or dating partner as defined by existing law, provides for the timing of such hearings, and provides relative to the evidence and factors that the court shall take into consideration at the hearing.

New law authorizes the court, upon proof by clear and convincing evidence that the defendant might flee, that the defendant poses a threat or danger to the victim, or that the defendant poses an imminent danger to any other person or the community, to order the defendant be held without bail pending trial.

New law also authorizes the court to require the defendant, as a condition of bail, to wear an electronic monitoring device and to be placed under active electronic monitoring.

Provides that these provisions of new law may be cited as and referred to as "Gwen's Law".

Existing 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.

Existing 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.

New law retains existing 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 existing 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 next business day after the order is issued.
- (2) The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Office, La. Supreme Court, for entry into the La. 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 new law, the court shall also order that the defendant be prohibited from possessing a firearm, as defined by new law, for the duration of the Uniform Abuse Prevention Order.

Existing 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.

Existing 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.

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

Existing 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.

New law adds a protective order issued pursuant to the provisions of new 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.

Effective Aug. 1, 2014.

(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); Adds C.Cr.P. Art. 330.3)