

ACT No. 394

2021 Regular Session

HOUSE BILL NO. 55

BY REPRESENTATIVES FREEMAN, BUTLER, CARPENTER, ECHOLS, FREIBERG, GREEN, HILFERTY, JENKINS, MIKE JOHNSON, LARVADAIN, MARCELLE, MARINO, MOORE, NELSON, NEWELL, PIERRE, STAGNI, AND WHITE AND SENATORS BARROW, JACKSON, MIZELL, AND PETERSON

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 3603(A), Children's Code Article
3 1568(D), and R.S. 46:2134(D) and to enact Code of Civil Procedure Article
4 3603.1(C)(3), relative to the issuance of protective orders; to provide for
5 complainants seeking protection from domestic abuse, dating violence, stalking, or
6 sexual assault; to provide for the signature of the petitioner; to provide for the
7 affirmation of the petitioner; to provide for a witness; to provide for the crime of
8 perjury; to provide for the penalty of perjury; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Civil Procedure Article 3603(A) is hereby amended and
11 reenacted and Code of Civil Procedure Article 3603.1(C)(3) is hereby enacted to read as
12 follows:

13 Art. 3603. Temporary restraining order; affidavit or affirmation of irreparable injury
14 and notification efforts

15 A. A temporary restraining order shall be granted without notice when all of
16 the following occur:

17 (1) It clearly appears from specific facts shown by a verified petition ~~or~~, by
18 supporting affidavit, or by affirmation as provided in Article 3603.1(C)(3) that
19 immediate and irreparable injury, loss, or damage will result to the applicant before
20 the adverse party or his attorney can be heard in opposition, ~~and~~.

1 (2) The applicant's attorney certifies to the court in writing the efforts which
2 have been made to give the notice or the reasons supporting his claim that notice
3 should not be required.

4 * * *

5 Art. 3603.1. Governing provisions for issuance of protective orders; grounds;
6 notice; court-appointed counsel

7 * * *

8 C.

9 * * *

10 (3) When a complainant is seeking a temporary restraining order for
11 protection from domestic abuse, dating violence, stalking, or sexual assault, it is
12 sufficient for the petition to contain a written affirmation signed and dated by the
13 complainant that the facts and circumstances contained in the complaint are true and
14 correct to the best knowledge, information, and belief of the complainant, under
15 penalty of perjury pursuant to R.S. 14:123. The affirmation shall be made before a
16 witness who shall sign and print his name.

17 Section 2. Children's Code Article 1568(D) is hereby amended and reenacted to read
18 as follows:

19 Art. 1568. Petition

20 * * *

21 D. If the petition requests the issuance of an ex parte temporary restraining
22 order, the petition shall contain ~~an affidavit~~ a written affirmation signed and dated
23 by each petitioner that the facts and circumstances contained in the petition are true
24 and correct to the best knowledge, information, and belief of the petitioner, under
25 penalty of perjury pursuant to R.S. 14:123. The affirmation shall be made before a
26 witness who shall sign and print his name. ~~Any false statement under oath contained~~
27 ~~in the affidavit shall constitute perjury and shall be punishable by a fine of not more~~
28 ~~than one thousand dollars or by imprisonment with or without hard labor for not~~
29 ~~more than five years, or both.~~

30 * * *

1 Section 3. R.S. 46:2134(D) is hereby amended and reenacted to read as follows:

2 §2134. Petition

3 * * *

4 D. If the petition requests the issuance of an ex parte temporary restraining
5 order, the petition shall contain ~~an affidavit~~ a written affirmation signed and dated
6 by each petitioner that the facts and circumstances contained in the petition are true
7 and correct to the best knowledge, information, and belief of the petitioner, under
8 penalty of perjury pursuant to R.S. 14:123. The affirmation shall be made before a
9 witness who shall sign and print his name. ~~Any false statement under oath contained~~
10 ~~in the affidavit shall constitute perjury and shall be punishable by a fine of not more~~
11 ~~than one thousand dollars, or by imprisonment, with or without hard labor, for not~~
12 ~~more than five years, or both.~~

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____