HOUSE SUMMARY OF SENATE AMENDMENTS

HB 68 2016 Regular Session

Bacala

FAMILY LAW: Authorizes the use of electronic signatures on temporary restraining orders and protective orders

Synopsis of Senate Amendments

- 1. Deletes provisions allowing for electronic signatures to be used for petitions for preliminary injunctions, permanent injunctions, and protective orders, and adds that electronic signatures may be used for petitions for temporary restraining orders pursuant to the Domestic Abuse Assistance Act or Protection from Dating Violence Act.
- 2. Amends <u>present law</u> regarding the crime of violation of protective orders to allow a faxed or electronic copy of a temporary restraining order or ex parte protective order received directly from the issuing magistrate, commissioner, hearing officer, judge or court to constitute proper service on a defendant.
- 3. Makes technical amendments.

Digest of Bill as Finally Passed by Senate

<u>Present law</u> prohibits the application of laws governing the use of electronic signatures from applying to adoptions, divorces, or other matters of family law.

<u>Proposed law</u> retains <u>present law</u> but allows electronic signatures for petitions for temporary restraining orders issued pursuant to the Domestic Abuse Assistance Act (R.S. 46:2131 et seq.) or the Protection from Dating Violence Act (R.S. 46:2151).

<u>Present law</u> defines the crime of violation of protective orders as the willful disobedience of a preliminary or permanent injunction or protective order issued pursuant to certain provisions of <u>present law</u> if the defendant was given notice of the order by service of process. Provides that a defendant may be properly served if tendered a certified copy of a temporary restraining order or ex parte protective order by any law enforcement officer who has been called to any scene where the name defendant is present.

<u>Proposed law</u> retains <u>present law</u> but adds that a defendant may be properly served if tendered a faxed or electronic copy of a temporary restraining order or ex parte protective order received directly from the issuing magistrate, commissioner, hearing officer, judge, or court.

(Amends R.S. 9:2603(B)(4)(a) and R.S. 14:79(A)(1)(b))