

## RÉSUMÉ DIGEST

ACT 89 (HB 499)

2017 Regular Session

Schroder

Existing law (R.S. 14:40.2(A) and (B)) provides for the crime of stalking and provides criminal penalties for those who are convicted of the offense.

Existing law further provides that upon motion of the district attorney or the court, the court may, in addition to any penalties imposed, issue a protective order that directs the defendant to refrain from abusing, harassing, interfering with the victim or the employment of the victim, or being physically present within a certain distance of the victim. The protective order shall be effective either for an indefinite period of time or for a fixed term which shall not exceed eighteen months.

New law retains existing law but requires the issuance of a protective order, with the same terms as provided by existing law, when a defendant is placed on probation for the crime of stalking.

Existing law (R.S. 14:40.2(G)) provides an exception to the crime of stalking for a private investigator licensed pursuant to existing law, acting during the course and scope of his employment and performing his duties relative to the conducting of an investigation.

New law provides that the existing law exception to the crime of stalking for private investigators shall not apply if:

- (1) The private investigator was retained by a person who is charged with an offense involving sexual assault as defined by existing law (R.S. 46:2184) or who is subject to a temporary restraining order or protective order obtained by a victim of sexual assault pursuant to existing law (R.S. 46:2182 et seq.).
- (2) The private investigator was retained for the purpose of harassing the victim.

Effective August 1, 2017.

(Amends R.S. 14:40.2(F)(1) and (G))