SLS 22RS-199 **ORIGINAL**

2022 Regular Session

SENATE BILL NO. 66

BY SENATOR CONNICK

DOMESTIC VIOLENCE. Enhances penalties for violation of a protective order when committed while in possession of a firearm. (8/1/22)

1	AN ACT
2	To amend and reenact R.S. 14:2(B)(50) and R.S. 14:79(B) and (C), relative to the crime of
3	violation of protective orders; to provide for enhanced penalties for violations of a
4	protective order when committed while in possession of a firearm; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 14:2(B)(50) and R.S. 14:79(B) and (C) are hereby amended and
8	reenacted to read as follows:
9	§2. Definitions
10	* * *
11	B. * * *
12	(50) Violation of a protective order punishable under R.S. 14:79(C) if the
13	violation involves a battery or any crime of violence as defined by this Subsection
14	against the person for whose benefit the protective order is in effect.
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16	§79. Violation of protective orders
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B.(1) On a first conviction for violation of protective orders, except as provided in Subsection C of this Section, which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, the offender shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(2) On a second or subsequent conviction for violation of protective orders, except as provided in Subsection C of this Section, which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order, regardless of whether the current offense occurred before or after the earlier convictions, the offender shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than fourteen days nor more than two years. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

C.(1) Whoever Except as provided in Paragraph (2) of this Subsection, whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, or where the violation involves the offender going to the residence or household, school, or place of employment of the person for whose benefit the protective order is in effect while in possession of a firearm, shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than three months nor more than two years. At least thirty days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a

court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, or where the violation involves the offender going to the residence or household, school, or place of employment of the person for whose benefit the protective order is in effect while in possession of a firearm, and who has a conviction of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect during the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, the offender shall be fined not more than two thousand dollars and imprisoned with or without hard labor for not less than one year nor more than five years. At least one year of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST 2022 Regular Session

Connick

<u>Present law</u> provides penalties for violation of protective orders depending upon recidivist status, whether the offender battered the victim and whether the offender committed a crime of violence against the victim. <u>Proposed law</u> further provides that a violation of a protective order, if the violation involves a battery or any crime of violence against the victim to whose benefit the protective order is in effect, is a crime of violence.

<u>Proposed law</u> retains <u>present law</u> and provides enhanced penalties when the offender goes to the residence or household, school, or place of employment of the person for whose benefit the protective order is in effect while in possession of a firearm.

Effective August 1, 2022.

SB 66 Original

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(Amends R.S. 14:2(B)(50) and R.S. 14:79(B) and (C))