

2023 Regular Session

HOUSE BILL NO. 376

BY REPRESENTATIVE BOYD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DOMESTIC ABUSE: Provides relative to protective orders

1 AN ACT

2 To amend and reenact R.S. 46:2136(H) and 2136.2(D) and to enact R.S. 46:2136.2(G),
3 relative to protective orders; to provide for the time in which a protective order is
4 transmitted; to provide for immediate entry of protective orders; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:2136(H) and 2136.2(D) are hereby amended and reenacted to
8 read as follows and R.S. 46:2136.2(G) is hereby enacted to read as follows:

9 §2136. Protective orders; content; modification; service

10 * * *

11 H. The clerk of the issuing court shall transmit the Uniform Abuse
12 Prevention Order to the judicial administrator's office, Louisiana Supreme Court, for
13 entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A),
14 by facsimile transmission or direct electronic input as expeditiously as possible, but
15 no later than ~~the end of the next business day~~ two hours after the order is filed with
16 the clerk of court. The clerk of the issuing court shall also send a copy of the
17 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any
18 modification thereof, to the chief law enforcement officer of the parish where the
19 person or persons protected by the order reside by facsimile transmission or direct
20 electronic input as expeditiously as possible, but no later than ~~the end of the next~~

1 ~~business day~~ two hours after the order is filed with the clerk of court. A copy of the
2 Uniform Abuse Prevention Order shall be reviewed by the law enforcement agency
3 and shall be retained on file in the office of the chief law enforcement officer until
4 otherwise directed by the court.

5 * * *

6 §2136.2. Louisiana Protective Order Registry

7 * * *

8 D. The clerk of the issuing court shall immediately send a copy of the order
9 or any modification thereof to the Louisiana Protective Order Registry and to the
10 chief law enforcement officer of the parish in which the person or persons protected
11 by the order reside as expeditiously as possible but no later than ~~by the end of the~~
12 ~~next business day~~ two hours after the order is filed with the clerk of court.
13 Transmittal of the Uniform Abuse Prevention Order shall be made by facsimile
14 transmission or direct electronic input as expeditiously as possible, but no later than
15 ~~the end of the next business day~~ two hours after the order is filed with the clerk of
16 court.

17 * * *

18 G. The judicial administrator's office shall develop policies and procedures
19 that provide for immediate entry of protection orders received by the office to
20 include those received after two hours. To avoid delays in entry, the office shall
21 have the authority to authorize agencies to enter protective orders directly into the
22 registry when certain conditions or criteria exist.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 376 Original 2023 Regular Session Boyd

Abstract: Provides relative to protective orders and the time in which the orders are to be transmitted or entered.

Present law (R.S. 46:2136(H)) provides that 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 by facsimile transmission or direct electronic input 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.

Proposed law changes present law by providing that the clerk shall transmit the order to the judicial administrator's office no later than two hours after the order is filed with the clerk of court.

Present law (R.S. 46:2136.2(D)) provides that the clerk of the issuing court shall immediately send a copy of the order or any modification thereof to the La. Protective Order Registry and to the chief law enforcement officer of the parish in which the person or persons protected by the order reside as expeditiously as possible but no later than by the end of the next business day after the order is filed with the clerk of court.

Proposed law changes present law by providing that the clerk shall send a copy of the order no later than two hours after the order is filed with the clerk of court.

Proposed law (R.S. 46:2136.2(G)) provides that the judicial administrator's office shall develop policies and procedures that provide for immediate entry of protection orders received by the office to include those received after two hours. To avoid delays in entry, the office shall have the authority to authorize agencies to enter protection orders directly into the registry when certain conditions or criteria exist.

(Amends R.S. 46:2136(H) and 2136.2(D); Adds R.S. 46:2136.2(G))