
DIGEST

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HB 376 Reengrossed

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 may transmit the order to the judicial administrator's office no later than the end of the next calendar day 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 the end of the next calendar day after the order is filed with the clerk of court.

Proposed law changes present law by providing that the clerk may send a copy of the order no later than the next calendar day 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 the next calendar day. 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Remove the requirement that the clerk of court transmit the protective order by facsimile to the judicial administrator's office.

2. Change the filing requirement from two hours to the end of the next calendar day.

The House Floor Amendments to the engrossed bill:

1. Change the deadlines for transmission of protective orders by the clerk of court from mandatory to permissive.