ENROLLED

Regular Session, 2011

HOUSE BILL NO. 401

BY REPRESENTATIVES HUTTER, DOERGE, ROSALIND JONES, AND PATRICIA SMITH AND SENATORS BROOME, DORSEY, GUILLORY, MILLS, AND PERRY

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

AN ACT

To amend and reenact R.S. 14:35.3(C), (D)(introductory paragraph) and (1), and (K), relative to domestic abuse battery; to increase penalties for first and second offenses of domestic abuse battery; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:35.3(C), (D)(introductory paragraph) and (1), and (K) are hereby amended and reenacted to read as follows:

§35.3. Domestic abuse battery

* * *

C. On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than ~~ten~~ thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occur:

(1) The offender is placed on probation with a minimum condition that he serve ~~two~~ four days in jail and participate in a court-approved domestic abuse

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prevention program, and the offender shall not own or possess a firearm throughout the entirety of the ~~sentence; or~~ sentence.

(2) The offender is placed on probation with a minimum condition that he perform ~~four~~ eight, eight-hour days of court-approved community service activities and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.

D. On a conviction of a second offense, notwithstanding any other provision of law to the contrary, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and shall be imprisoned for not less than ~~thirty~~ sixty days nor more than six months. At least ~~forty-eight~~ ninety-six hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occur:

(1) The offender is placed on probation with a minimum condition that he serve ~~fifteen~~ thirty days in jail and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the ~~sentence; or~~ sentence.

* * *

K. If the victim of domestic abuse battery is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense, the offender, who is sentenced under the provisions of this Section, shall be required to serve a minimum of ~~thirty~~ forty-five days without benefit of suspension of sentence for a first conviction, upon a second conviction shall serve a minimum of ~~six months~~ one year imprisonment without benefit of suspension of sentence, upon a third conviction shall serve a minimum of two years with or without hard labor without benefit of probation, parole, or suspension of sentence, and upon a fourth and

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subsequent offense shall serve a minimum of four years at hard labor without benefit of probation, parole, or suspension of sentence.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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