Regular Session, 2012

HOUSE BILL NO. 455

BY REPRESENTATIVE ABRAMSON

1   AN ACT

2   To amend and reenact R.S. 9:371 and Code of Civil Procedure Article 3604(B)(introductory

3   paragraph) and (3) and to enact Code of Civil Procedure Article 3604(D) and (E),

4   relative to injunctions; to provide for service of injunctions, preliminary injunctions,

5   and temporary restraining orders on federally insured financial institutions; to

6   provide for liability of federally insured financial institutions for compliance with

7   injunctions, preliminary injunctions, and temporary restraining orders; and to provide

8   for related matters.

9   Be it enacted by the Legislature of Louisiana:

10   Section 1. R.S. 9:371 is hereby amended and reenacted to read as follows:

11   §371. Injunction against alienation or encumbrance; spouse's right to demand

12   A. In a proceeding for divorce, a spouse may obtain an injunction restraining

13   or prohibiting the disposition or encumbrance of community property until further

14   order of the court.

15   B. To be effective against a federally insured financial institution, an

16   injunction granted under the provisions of this Section shall be served in accordance

17   with the provisions of R.S. 6:285(C). An injunction granted pursuant to the

18   provisions of this Section shall be effective only against accounts, safe deposit boxes,

19   or other assets listed or held in the name of the following:

20   (1) One or both of the spouses named in the injunction.

21   (2) Another party or business entity specifically named in the injunction.

1   C. A federally insured financial institution shall not be liable for loss or

2   damages resulting from its actions to comply with the injunction provided that the

3   requirements of this Section have been met.

4   Section 2. Code of Civil Procedure Article 3604(B)(introductory paragraph) and (3)

5   are hereby amended and reenacted and Code of Civil Procedure Article 3604(D) and (E) are

6   hereby enacted to read as follows:

7   Art. 3604. Form, contents, and duration of restraining order

8   *   *   *

9   B. Nevertheless, in a suit for divorce, a temporary restraining order issued

10   in conjunction with a rule to show cause for a preliminary injunction shall remain in

11   force until a hearing is held on the rule for the preliminary injunction prohibiting a

12   spouse from:

13   (1) Disposing of or encumbering community property;

14   (2) Harming the other spouse or a child; or

15   (3) Removing a child from the jurisdiction of the court, in a suit for divorce

16   shall remain in force until a hearing is held on the rule for the preliminary injunction.

17   *   *   *

18   D.   To be effective against a federally insured financial institution, a

19   temporary retraining order or preliminary injunction issued in accordance with

20   Subparagraph (B)(1) of this Article shall be served in accordance with the provisions

21   of R.S. 6:285(C). A temporary restraining order or preliminary injunction granted

22   pursuant to the provisions of this Article shall be effective only against accounts,

23   safe deposit boxes, or other assets listed or held in the name of the following:

24   (1) One or both of the spouses named in the injunction.

25   (2) Another party or business entity specifically named in the injunction.

1   E. A federally insured financial institution shall not be liable for loss or

2   damages resulting from its actions to comply with a temporary restraining order or

3   preliminary injunction provided that the requirements of this Article have been met.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____