

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**CIVIL/RESTRAINING ORDER. Provides relative to the effective period of a temporary restraining order under certain circumstances**

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DIGEST

Present law provides that a temporary restraining order issued in conjunction with a rule to show cause for a protective order filed in an action pursuant to the Protection from Family Violence Act, R.S. 46:2121 et seq., and pursuant to the Protection from Dating Violence Act, R.S. 46:2151, shall remain in force until a hearing is held on the rule for the protective order or for 30 days, whichever occurs first. Further provides that if the initial rule to show cause is heard by a hearing officer, the temporary restraining order shall remain in force for 15 days after the hearing or until the judge signs the protective order, whichever occurs last. Further provides that at any time before the expiration of a temporary restraining order issued pursuant to present law, it may be extended by the court for a period not exceeding 30 days.

Proposed law retains present law and adds that in the event that the hearing on the rule for the protective order is continued by the court because of a declared state of emergency made in accordance with present law, any temporary restraining order issued in the matter shall remain in force for five days after the date of conclusion of the state of emergency. Further provides that when a temporary restraining order remains in force under proposed law, the court shall reassign the rule for a protective order for hearing at the earliest possible time, but no later than five days after the date of conclusion of the state of emergency. Further provides that the reassignment of the rule shall take precedence over all matters except older matters of the same character.

Present law authorizes the issuance of a temporary restraining order effective for a specific period of time during the pendency of an action for a preliminary injunction.

Proposed law retains present law and provides that in the event that the hearing on the issuance of a preliminary injunction is continued by the court because of a declared state of emergency, any temporary restraining order issued in the matter shall remain in force for five days after the conclusion of the state of emergency. Further provides that when a temporary restraining order remains in force under proposed law, the court shall reassign the application for a preliminary injunction for hearing at the earliest possible time, but no later than five days after the conclusion of the state of emergency. Further provides that the reassignment of the application shall take precedence over all matters except older matters.

(Amends C.C.P. Arts. 3604 and 3606)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Specified that the temporary restraining order will remain in force for five days after the issuance of the executive order declaring the state of emergency, and requires the hearing to be reset within the same five days. Further required the resetting to take precedence over other matters and required the court to dissolve the temporary restraining order if the party who obtained the restraining order does not proceed with the application on the date the matter is reset.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Adds that, in the case of a temporary restraining order issued in conjunction with a rule to show cause for a protective order filed in an action pursuant to the Protection from Family Violence Act or pursuant to the Protection from Dating Violence Act, when the hearing on the rule for the protective order is continued by the court because of a declared state of emergency, any temporary restraining order issued in the matter shall remain in force for five days after the date of conclusion of the state of emergency.
2. Adds that when a temporary restraining order issued in conjunction with a rule to show cause for a protective order filed in an action pursuant to the Protection from Family Violence Act or pursuant to the Protection from Dating Violence Act remains in force, the court shall reassign the rule for a protective order for hearing at the earliest possible time, but no later than five days after the date of conclusion of the state of emergency. Further adds that the reassignment of the rule shall take precedence over all matters except older matters of the same character.
3. Changes language providing that, when a hearing on the issuance of a preliminary injunction is continued by the court because of a declared state of emergency, any temporary restraining order issued in the matter shall remain in force for five days after the conclusion of the state of emergency, rather than for five days after the date of issuance of the executive order.
4. Changes that when a temporary restraining order remains in force because the hearing on the issuance of a preliminary injunction is continued by the court because of a declared state of emergency, then the court shall reassign the application for a preliminary injunction for hearing at the earliest possible time, but no later than five days after the conclusion of the state of emergency, rather than five days after the date of issuance of the executive order declaring the state of emergency.
5. Deletes language providing that the party who obtains a temporary restraining order shall proceed with the application for a preliminary injunction when it comes on for hearing, and that upon his failure to do so the court shall dissolve the temporary restraining order.