

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 338 by Representative Alfred Williams

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

Synopsis of Senate Amendments

1. Added temporary restraining orders issued pursuant to the Protection from Family Violence Act or pursuant to the Protection from Dating Violence Act to those that will remain in force 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.
2. Changed the time limitation from five days after the issuance of the order declaring a state of emergency to five days after the conclusion of the state of emergency.
3. Deleted provision that required the party who obtains a temporary restraining order to 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.

Digest of Bill as Finally Passed by Senate

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

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 adds that in the event that the hearing on the rule for the protective order or issuance of a preliminary injunction 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.

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