

## RÉSUMÉ DIGEST

**ACT 85 (HB 722)**

**2015 Regular Session**

**Billiot**

Existing law (R.S. 46:2131 et seq.) provides for domestic abuse assistance, hereinafter referred to as the "Domestic Abuse Assistance Act".

Existing law provides that domestic abuse includes but is not limited to physical or sexual abuse as defined in the Criminal Code of Louisiana.

New law retains existing law but clarifies that domestic abuse may include a non-physical offense as defined in the Criminal Code of Louisiana.

Prior law (Domestic Abuse Assistance Act) included only family members and household members as possible victims of domestic abuse.

New law adds dating partners as possible victims of domestic abuse.

For purposes of the Domestic Abuse Assistance Act, new law provides that the term "dating partners" shall have the same meaning as provided in the existing law Protection From Dating Violence Act.

Prior law allowed a court to consider abuse that is not immediate and present during a proceeding for a temporary restraining order.

New law requires a court to consider any and all past history of abuse, or threats thereof, in determining the level of danger during a proceeding for a temporary restraining order, and provides that there is no requirement that the abuse itself be recent, immediate, or present.

Existing law allows a court to grant a protective order or approve a consent agreement to bring a cessation of immediate and present danger of abuse or domestic abuse as defined in the Domestic Abuse Assistance Act.

New law retains existing law but allows a court to grant a protective order or approve a consent agreement to cease the threat of domestic abuse.

Existing law provides for the duties of law enforcement officers relative to situations in which a family or household member or dating partner has been abused and the abusing party is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to existing law.

New law provides that these existing law duties of law enforcement shall also apply for violations of temporary restraining orders, preliminary or permanent injunctions, or protective orders issued pursuant to the existing law Protection from Stalking Act (R.S. 46:2171 et seq.).

Effective August 1, 2015.

(Amends R.S. 46:2131, 2132(3) and (4), 2135(A)(intro. para.), 2136(A)(intro. para.), and 2140(A) and (C)(2)(g) and (3)(b))