

2022 Regular Session

HOUSE BILL NO. 1026

BY REPRESENTATIVE AMEDEE

DOMESTIC ABUSE: Provides relative to domestic violence

1 AN ACT

2 To amend and reenact Civil Code Articles 103(4) and (5), 104, 112(B)(9), (C) and (D),

3 2315.8(A) and 2362.1(B), Code of Civil Procedure Articles 891(B), 3603.1(A) and

4 (C), 3604(C)(1), 3607.1, 3610, and 3945(G), Children's Code Articles 652(E)(2),

5 1564, 1565, 1566(C), 1567(A)(3) and (B), 1568(A)(1), (3), and (4), and (C),

6 1569(A)(introductory paragraph), (B), and (D), 1570(A)(introductory paragraph) and

7 (5)(a) and (I), and 1573(introductory paragraph) and (4), Code of Evidence Article

8 412.5(A), Code of Criminal Procedure Articles 313(A)(2), 320(G)(1), 893(A)(2),

9 895(M)(1), 899.2(D)(5) and (6), 900(A)(6)(d)(iii), 1001(1), (2), and (4), 1002(A)(2),

10 R.S. 9:314, 361, 362(1), (3)(introductory paragraph) and (a), and (4), 364(A),(D),(E),

11 and (F), 365, 366(A), 367, 369, 372(A) and (C), 3261.1(B), (C), (D), (E), (F)(2) and

12 (3), (G), (H), (I), and (K), and 4103(B)(1), R.S. 13:621.21(B)(2) and (C)(2),

13 621.22(B)(3), 721(E)(2)(l), 1802(4), 1819(B)(1), 1821(A)(2), 1830(B)(3), 1852(4),

14 1856(4) and (5), 1857(A)(4), 1858(B), 1859(D), 2106(B), and

15 5304(B)(10)(introductory paragraph) and (b), R.S. 14:79(E), R.S. 15:257.1(C)(1)(c),

16 574.7(C)(2)(a)(x) and (4)(e) and (f), 574.9(H)(2)(c), 587.8(A) and

17 (B)(3)(introductory paragraph), (b), and (d) and (7), R.S. 17:7.2(A)(6), R.S.

18 22:1063(A)(1)(g) and 1078(A), R.S. 33:9701(C)(2), R.S. 37:2554(B)(2)(b), R.S.

19 39:1619(A)(3)(introductory paragraph), (a), (f), and (g), R.S. 40:506(D),

20 1379.3.2(A), R.S. 44:3(J)(3), and R.S. 46:52.1(F)(3)(a)(v), 1842(15)(d), 1846(A) and

21 (C), 1861(A)(1)(a), 2131, 2132, 2133(B)(3) and (D), 2134(A)(1), (2), and (3) and

1 (C), 2135(A)(introductory paragraph), (B), and (D), 2136(A)(introductory
2 paragraph), 2136.1, 2136.2(A) and (B), 2136.3(A), 2138(C), 2140(A),
3 (B)(introductory paragraph) and (4), and (C)(1), (2)(introductory paragraph)(e) and
4 (g), and (3)(b), 2141, and 2151(B) and (C), to enact Civil Code Articles 86.1,
5 136(D)(6) and Title VI of Book I of the Civil Code, comprised of Civil Code Article
6 162, Children's Code Article 1569(J), and Chapter 1 of Code Title XI of Code Book
7 I of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
8 9:1061 and 1062, relative to domestic violence and domestic abuse, to provide for
9 public policy; to provide for legislative findings; to provide for a civil definition of
10 domestic violence, domestic abuse, and dating violence; to provide consistent
11 terminology; to provide for cross references; to provide for the definition of dating
12 partner; to provide for treatment of nonviolent protective orders; to provide for
13 reconciliation of marriages; to provide for the best interest of the child; to provide
14 for court orders; to provide for certain evidentiary standards; to provide for certain
15 constitutional rights; to provide for court costs and attorney fees; and to provide for
16 related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. Civil Code Articles 103(4) and (5), 104, 112(B)(9), (C), and (D),
19 2315.8(A) and 2362.1(B) are hereby amended and reenacted, and Civil Code Articles 86.1,
20 136(D)(6) and Title VI of Book I of the Civil Code, comprised of Civil Code Article 162,
21 are hereby enacted, to read as follows:

22 Art. 86.1. Marriage; public policy; findings

23 A. It is the public policy of the state of Louisiana that the institution of
24 marriage, with stable two-parent families, is the best environment that produces
25 children who grow into productive, mature adults, and good citizens. A child who
26 is nurtured and educated in their youth by a mother and father are statistically more
27 likely to grow up to then contribute to the economic and social well-being of this

1 state; therefore, Louisiana has a strongly vested interest in developing public policies
2 that support healthy marriages that grow into healthy families.

3 * * *
4 Art. 103. Judgment of divorce; other grounds

5 Except in the case of a covenant marriage, a divorce shall be granted on the
6 petition of a spouse upon proof that:

7 * * *
8 (4) During the marriage, the other spouse ~~physically or sexually abused the~~

9 ~~spouse seeking divorce or a child of one of the spouses, regardless of whether the~~
10 ~~other spouse was prosecuted for the act of abuse~~ committed domestic violence as
11 defined in R.S. 9:1601.

12 (5) After a contradictory hearing or consent decree, a protective order or an
13 injunction was issued during the marriage against the other spouse to protect the
14 spouse seeking the divorce or a child of one of the spouses from ~~abuse~~ domestic
15 violence as defined in R.S. 9:1601.

16 * * *
17 Art. 104. Reconciliation

18 The cause of action for divorce is and all ancillary matters related thereto are
19 extinguished by the reconciliation of the parties.

20 * * *
21 Art. 112. Determination of final periodic support

22 * * *
23 B. The court shall consider all relevant factors in determining the amount
24 and duration of final support, including:

25 * * *
26 (9) The existence, effect, and duration of any act of domestic ~~abuse~~ violence,

27 as defined in R.S. 9:1061, when committed by the other spouse upon the claimant
28 or a child of one of the spouses, regardless of whether the other spouse was
29 prosecuted for the act of domestic violence.

1 (1) In the case of marriages and families in distress, the state must consider
2 the health and safety of the individuals in the family unit and, in case of violence
3 between family members, the legislature has clearly defined physical behaviors that
4 must guide judicial determinations. Clear, concise, and swift action must be taken
5 to protect the health and safety of the family members.

6 (2) Care must be taken not to mislabel a spouse or a parent in such terms that
7 should be reserved for actual criminal conduct. Nonviolent disagreements between
8 spouses and family members should not be mislabeled in domestic cases with terms
9 normally applied to criminal conduct when no actual evidence was ever presented
10 to any court that any violence, physical abuse, or sexual abuse ever occurred. Such
11 mislabeleding interferes with the parties learning nonviolent conflict resolution and
12 prevents the parties from developing skills needed to restore a formerly stable, intact
13 family that never experienced violence.

14 B. Notwithstanding any other provision of law to the contrary, when an
15 allegation of domestic violence or domestic abuse is alleged in any action of divorce
16 or any ancillary proceeding to an action of divorce, the following shall apply:

17 (1) If an act of domestic violence, as is defined in R.S. 9:1061, is committed
18 by a person against his spouse, his child, or the child of his spouse, the court must
19 take immediate action to protect the life and safety of the victim from any future
20 harm, including reporting the incident to law enforcement and other protective
21 agencies and providing all civil protections available to the victim as provided by
22 law.

23 (2) If an act of nonviolent domestic abuse, as is defined in R.S. 9:1061, is
24 committed or alleged to be committed by a spouse against the other spouse or against
25 either spouse's child in a manner which would not reasonably be expected to
26 endanger the safety of the person to whom the offense was committed against and
27 does not create an endangerment of the other spouse or child, then the conduct must
28 be of such a degree that a finding pursuant to this Paragraph would outweigh the

1 public policy provided for in Paragraph (A)(2) of this Article and Article 86.1 in
2 order to be dispositive in the proceeding.

3 * * *

4 Art. 2315.8. Liability for damages caused by domestic violence; domestic abuse

5 A. In addition to general and special damages, exemplary damages may be
6 awarded upon proof that the injuries on which the action is based were caused by a
7 wanton and reckless disregard for the rights and safety of a family member or
8 household member, as defined in R.S. 46:2132, through acts of domestic violence
9 or domestic abuse, as defined in R.S. 9:1061, resulting in serious bodily injury or
10 severe emotional and mental distress, regardless of whether the defendant was
11 prosecuted for his or her acts.

12 * * *

13 Art. 2362.1. Obligation incurred in an action for divorce

14 * * *

15 B. The obligation for attorney fees and costs incurred by the perpetrator of
16 ~~abuse~~ domestic violence or awarded against him in an action for divorce granted
17 pursuant to Article 103(4) or (5) or in an action in which the court determines that
18 a spouse or a child of one of the spouses was the victim of domestic ~~abuse~~ violence
19 committed by the perpetrator during the marriage, and in incidental actions, shall be
20 a separate obligation of the perpetrator.

21 Section 2. Code of Civil Procedure Articles 891(B), 3603.1(A) and (C), 3604(C)(1),
22 3607.1, 3610, and 3945(G) are hereby amended and reenacted to read as follows:

23 Art. 891. Form of petition

24 * * *

25 B. For petitions involving domestic violence or domestic abuse brought
26 pursuant to R.S. 46:2131 et seq., R.S. 9:361 et seq., Children's Code Article 1564 et
27 seq., or Code of Civil Procedure Article 3601 et seq., the address and parish of the

1 residence of each petitioner and each person on whose behalf the petition is filed
2 may remain confidential with the court.

3 * * *

4 Art. 3603.1. Governing provisions for issuance of protective orders; grounds;
5 notice; court-appointed counsel

6 A. Notwithstanding any provision of law to the contrary, and particularly the
7 provisions of Domestic Abuse Assistance, Part II of Chapter 28 of Title 46, Post-
8 Separation Family Violence Relief Act and Injunctions and Incidental Orders, Parts
9 IV and V of Chapter 1 of Code Title V of Title 9, Domestic Abuse Assistance,
10 Chapter 8 of Title XV of the Children's Code, and this Chapter, no temporary
11 restraining order or preliminary injunction prohibiting a spouse or other person from
12 harming or going near or in the proximity of another shall issue, unless the
13 complainant has good and reasonable grounds to fear for his or her safety or that of
14 the children, or the complainant has in the past been the victim of domestic violence
15 or domestic abuse committed by the other spouse or other person subject to the
16 jurisdiction of the court.

17 * * *

18 C.(1) A complainant seeking protection from domestic violence, domestic
19 abuse, dating violence, stalking, or sexual assault shall not be required to prepay or
20 be cast with court costs or costs of service of subpoena for the issuance or dissolution
21 of a temporary restraining order, preliminary or permanent injunction, or protective
22 order , or the dismissal of a petition for such, and the clerk of court shall immediately
23 file and process the order issued regardless of the ability of the plaintiff to pay court
24 costs.

25 (2) When the complainant is seeking protection from domestic violence,
26 domestic abuse, stalking, or sexual assault, the clerk of court shall make forms
27 available for making application for protective orders, provide clerical assistance to
28 the petitioner when necessary, provide the necessary forms, and provide the services
29 of a notary, where available, for completion of the petition.

1 (3) When a complainant is seeking a temporary restraining order for
 2 protection from domestic violence, domestic abuse, dating violence, stalking, or
 3 sexual assault, it is sufficient for the petition to contain a written affirmation signed
 4 and dated by the complainant that the facts and circumstances contained in the
 5 complaint are true and correct to the best knowledge, information, and belief of the
 6 complainant, under penalty of perjury pursuant to R.S. 14:123. The affirmation shall
 7 be made before a witness who shall sign and print his name.

8 * * *

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

10 * * *

11 C.(1) A temporary restraining order issued in conjunction with a rule to show
 12 cause for a protective order filed in an action pursuant to the Protection from Family
 13 Violence Act, R.S. 46:2121 et seq., ~~and pursuant to the Protection From Dating~~
 14 ~~Violence Act, R.S. 46:2151, or Children's Code Article 1564 et seq.,~~ shall remain in
 15 force until a hearing is held on the rule for the protective order or for thirty days,
 16 whichever occurs first. If the initial rule to show cause is heard by a hearing officer,
 17 the temporary restraining order shall remain in force for fifteen days after the hearing
 18 or until the judge signs the protective order, whichever occurs last. At any time
 19 before the expiration of a temporary restraining order issued pursuant to this
 20 Paragraph, it may be extended by the court for a period not exceeding thirty days.

21 * * *

22 Art. 3607.1. Registry of temporary restraining order, preliminary injunction, or
 23 permanent injunction

24 A. Immediately upon rendering a decision granting the petitioner a
 25 temporary restraining order or a preliminary or permanent injunction prohibiting a
 26 person from ~~harming~~ committing domestic violence or domestic abuse against the
 27 person's spouse, another ~~a~~ family member, or household member, or committing
 28 dating violence against a dating partner, or directing a person accused of stalking to
 29 refrain from abusing, harassing, or interfering with the victim of the stalking when

1 the parties are strangers or acquaintances, the judge shall cause to have prepared a
2 Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such
3 order, and shall immediately forward it to the clerk of court for filing on the day that
4 the order is issued.

5 B. When a temporary restraining order, preliminary injunction, or permanent
6 injunction relative to domestic violence, domestic abuse, or dating violence or
7 relative to stalking as provided for in Paragraph A of this Article, is issued,
8 dissolved, or modified, the clerk of court shall transmit the Uniform Abuse
9 Prevention Order to the ~~Judicial Administrator's Office~~ judicial administrator's
10 office, Louisiana Supreme Court, for entry into the Louisiana Protective Order
11 Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct
12 electronic input as expeditiously as possible, but no later than the end of the next
13 business day after the order is filed with the clerk of court. The clerk of the issuing
14 court shall also send a copy of the Uniform Abuse Prevention Order, as provided in
15 R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer
16 of the parish where the person or persons protected by the order reside by facsimile
17 transmission or direct electronic input as expeditiously as possible, but no later than
18 the end of the next business day after the order is filed with the clerk of court. A
19 copy of the Uniform Abuse Prevention Order shall be retained on file in the office
20 of the chief law enforcement officer until otherwise directed by the court.

21 * * *

22 Art. 3610. Security for temporary restraining order or preliminary injunction

23 A temporary restraining order or preliminary injunction shall not issue unless
24 the applicant furnishes security in the amount fixed by the court, except where
25 security is dispensed with by law. The security shall indemnify the person
26 wrongfully restrained or enjoined for the payment of costs incurred and damages
27 sustained. However, no security is required when the applicant for a temporary
28 restraining order or preliminary or permanent injunction is seeking protection from
29 domestic violence, domestic abuse, dating violence, stalking, or sexual assault.

30 * * *

1 Art. 3945. Incidental order of temporary child custody; injunctive relief; exceptions

2 * * *

3 G. The provisions of this Article do not apply to any order of custody of a
4 child requested in a verified petition alleging, with specificity, criminal acts that
5 make applicable the applicability of the Domestic Abuse Assistance Act, R.S.
6 46:2131 et seq., Children's Code Article 1564 et seq., or the Post-Separation Family
7 Violence Relief Act, R.S. 9:361 et seq., or Civil Code Article 162.

8 * * *

9 Section 3. Children's Code Articles 652(E)(2), 1564, 1565, 1566(C), 1567(A)(3) and
10 (B), 1568(A)(1), (3), and (4), and (C), 1569(A)(introductory paragraph), (B), and (D),
11 1570(A)(introductory paragraph) and (5)(a) and (I), and 1573(introductory paragraph) and
12 (4) are hereby amended and reenacted and Children's Code Article 1569(J) is hereby enacted
13 to read as follows:

14 Art. 652. Discovery

15 * * *

16 E.

17 * * *

18 (2) The court shall not order the production or inspection of any document
19 or information which contains identifying information regarding a victim of
20 domestic violence, domestic abuse, as defined in R.S. 9:1061, or a victim of dating
21 violence as defined in R.S. 46:2132 or 2151, or a victim as defined in the Domestic
22 Abuse Assistance Act, R.S. 46:2131 et seq. including physical or e-mail address,
23 place of employment, telephone number, safety plan, or other protective measure or
24 resource considered, implemented, planned, or accessed by the victim. The court
25 shall not order the production or inspection of any document or information which
26 discloses the location of a shelter or other facility which provides services to victims
27 of domestic violence, domestic abuse, or dating violence.

28 * * *

1 Art. 1564. Purpose; short title

2 A. The purpose of this Chapter is to recognize and address the complex legal
3 and social problems created by domestic violence and to provide a civil remedy in
4 the juvenile courts for domestic violence in homes in which children reside which
5 will afford the ~~victim~~ victims immediate and easily accessible protection.

6 B. This Chapter may be cited as the "Domestic Abuse Assistance Act."

7 Art. 1565. Definitions

8 As used in this Chapter:

9 (1) "Domestic abuse" ~~includes but is not limited to physical or sexual abuse~~
10 ~~and any offense against the person as defined in Chapter 1 of Title 14 of the~~
11 ~~Louisiana Revised Statutes of 1950, except negligent injury and defamation,~~
12 ~~committed by one family or household member against another~~ shall have the same
13 meaning as provided in R.S. 9:1061.

14 (2) "Domestic violence" shall have the same meaning as provided in R.S.
15 9:1061.

16 (3) "Family or household member" means spouses, former spouses, parents
17 ~~and children, stepparents, stepchildren, foster parents, foster children, and any person~~
18 ~~living in the same residence with the defendant as a spouse whether married or not~~
19 ~~if a child or children also live in the residence, who are seeking protection under this~~
20 ~~Chapter~~ shall have the same meaning as provided in R.S. 9:1061.

21 (4) "Household member" shall have the same meaning as provided in R.S.
22 9:1061.

23 Art. 1566. Assistance; clerk of court; domestic abuse advocate

24 * * *

25 C. For purposes of this Article, "domestic abuse advocate" means an
26 employee or representative of a community based shelter providing services to
27 victims of ~~family~~ domestic violence or domestic abuse.

1 Art. 1567. Venue; standing

2 A. Venue lies in either:

3 * * *

4 (3) The parish in which the domestic violence or domestic abuse is alleged
5 to have been committed.

6 * * *

7 B. An adult may seek relief under this Chapter by filing a petition with the
8 court alleging domestic violence or domestic abuse by the defendant. Any parent,
9 adult household member, local child protection unit of the Department of Children
10 and Family Services, or district attorney may seek relief on behalf of any child or any
11 person alleged to be incompetent by filing a petition with the court alleging domestic
12 abuse by the defendant. A petitioner's right to relief under this Chapter shall not be
13 affected by his leaving the residence or household to avoid further abuse.

14 Art. 1568. Petition

15 A. A petition filed under the provisions of this Chapter shall contain the
16 following:

17 (1) The name of each petitioner and each person on whose behalf the petition
18 is filed and the name, address, and parish of residence of each individual alleged to
19 have committed domestic violence or domestic abuse, if known.

20 * * *

21 (3) The facts and circumstances concerning the alleged domestic violence
22 or domestic abuse.

23 (4) The relationship between each petitioner and each individual alleged to
24 have committed domestic violence or domestic abuse.

25 * * *

26 C. If the petition requests a protective order for a spouse and alleges that the
27 other spouse has committed domestic violence or domestic abuse, the petition shall
28 state whether a suit for divorce is pending.

29 * * *

1 Art. 1569. Temporary restraining order

2 A. Upon good cause shown in an ex parte proceeding, the court may enter
3 a temporary restraining order, without bond, as it deems necessary to protect from
4 domestic violence or domestic abuse the petitioner, any children, or any person
5 alleged to be an incompetent. Immediate and present danger of domestic violence
6 or domestic abuse shall constitute good cause for purposes of this Article. The order
7 may include but is not limited to the following:

8 * * *

9 B.(1) If a temporary restraining order is granted without notice, the matter
10 shall be set within twenty-one days for a rule to show cause why the protective order
11 should not be issued, at which time the petitioner ~~must~~ shall prove the allegations of
12 domestic violence or allegations of domestic abuse ~~by a preponderance of the~~
13 ~~evidence~~ as set forth in Paragraph J of this Article.

14 (2) The defendant shall be given notice of the temporary restraining order
15 and the hearing on the rule to show cause by service of process as required by law.

16 * * *

17 D. If no temporary restraining order has been granted, the court shall issue
18 a rule to show cause why the protective order should not be issued, and set the rule
19 for hearing on the earliest day that the business of the court will permit, but in any
20 case within ten days from the date of service of the petition, at which time the
21 petitioner ~~must~~ shall prove the allegations of domestic violence or domestic abuse
22 ~~by a preponderance of the evidence~~ as set forth in Paragraph J of this Article. The
23 defendant shall be given notice by service of process as required by law.

24 * * *

25 J. When a protective order is issued pursuant to this Article against a person
26 based upon an allegation of domestic violence or domestic abuse, the following
27 evidentiary standard shall apply:

28 (1) Except as provided in Subparagraph (2), the protective order shall issue
29 based upon a preponderance of evidence.

1 violence, the officer shall immediately use all reasonable means to prevent further
2 ~~abuse~~ harm to the victim, including:

3 * * *

4 (4) Notifying the ~~abused person~~ victim of his right to initiate criminal or civil
5 proceedings, the availability of the protective order pursuant to Article 1570, and the
6 availability of community assistance for victims of domestic violence and domestic
7 abuse victims.

8 Section 4. Code of Evidence Article 412.5(A) is hereby amended and reenacted to
9 read as follows:

10 Art. 412.5. Evidence of similar crimes, wrongs, or acts in certain civil cases

11 A. In any civil action alleging ~~acts of domestic violence~~, domestic abuse, or
12 dating violence, as defined in R.S. 46:2132, ~~family violence as defined in R.S. 9:362,~~
13 ~~or sexual abuse as defined in R.S. 9:362~~ R.S. 9:1061 or R.S. 9:1062, evidence of the
14 defendant's commission of a crime, wrong, or act involving acts of domestic violence
15 or domestic abuse, ~~family violence, or sexual abuse~~ dating violence may be
16 admissible and may be considered for its bearing on any matter to which it is
17 relevant subject to the balancing test provided in Article 403.

18 * * *

19 Section 5. Code of Criminal Procedure Articles 313(A)(2), 320(G)(1), 893(A)(2),
20 895(M)(1), 899.2(D)(5) and (6), 900(A)(6)(d)(iii), 1001(1), (2), and (4), and 1002(A)(2) are
21 hereby amended and reenacted to read as follows:

22 Art. 313. Gwen's Law; bail hearings; detention without bail

23 A.

24 * * *

25 (2) A contradictory bail hearing, as provided for in this Paragraph, may be
26 held prior to setting bail for a person in custody who is charged with domestic abuse
27 battery, violation of protective orders, stalking, or any felony offense involving the
28 use or threatened use of force or a deadly weapon upon the defendant's family
29 member, ~~as defined in R.S. 46:2132~~ or ~~upon the defendant's household member,~~ as

1 defined in R.S. 14:35.3, or upon the defendant's dating partner, as defined in ~~R.S.~~
 2 ~~46:2151~~ R.S. 9:1062. If the court orders a contradictory hearing, the hearing shall
 3 be held within five days from the date of determination of probable cause, exclusive
 4 of weekends and legal holidays. At the contradictory hearing, the court shall
 5 determine the conditions of bail or whether the defendant should be held without bail
 6 pending trial. If the court decides not to hold a contradictory hearing, it shall notify
 7 the prosecuting attorney prior to setting bail.

8 * * *

9 Art. 320. Conditions of bail undertaking

10 * * *

11 G. Domestic offenses, stalking, and sex offenses.

12 (1) In determining conditions of release of a defendant who is alleged to
 13 have committed an offense against the defendant's family member or household
 14 member, as defined in ~~R.S. 46:2132~~ R.S. 9:1061, or against the defendant's dating
 15 partner, as defined in ~~R.S. 46:2151~~ R.S. 9:1062, or who is alleged to have committed
 16 the offense of domestic abuse battery under the provisions of R.S. 14:35.3, or who
 17 is alleged to have committed the offense of battery of a dating partner under the
 18 provisions of R.S. 14:34.9, or who is alleged to have committed the offense of
 19 stalking under the provisions of R.S. 14:40.2, or who is alleged to have committed
 20 the offense of cyberstalking under the provisions of R.S. 14:40.3, or who is alleged
 21 to have committed the offense of violation of protective orders under the provisions
 22 of R.S. 14:79, or who is alleged to have committed the offense of unlawful
 23 communications under the provisions of R.S. 14:285, or who is alleged to have
 24 committed a sexual assault as defined in R.S. 46:2184, the court shall consider the
 25 previous criminal history of the defendant and whether the defendant poses a threat
 26 or danger to the victim. If the court determines that the defendant poses such a threat
 27 or danger, it shall require as a condition of bail that the defendant refrain from going
 28 to the residence or household of the victim, the victim's school, and the victim's place
 29 of employment or otherwise contacting the victim in any manner whatsoever, and

1 shall refrain from having any further contact with the victim. The court shall also
 2 require as a condition of bail that the defendant be prohibited from communicating,
 3 by electronic communication, in writing, or orally, with a victim of the offense or
 4 with any of the victim's immediate family members. This condition shall not apply
 5 if the victim consents by way of a request to the court and the court issues an order
 6 permitting the communication. If an immediate family member of the victim
 7 consents by way of a request to the court and the court issues an order permitting the
 8 communication, then the defendant may contact that person. The court shall also
 9 consider any statistical evidence prepared by the United States Department of Justice
 10 relative to the likelihood of such defendant or any person in general who has raped
 11 or molested victims under the age of thirteen years to commit sexual offenses against
 12 a victim under the age of thirteen in the future.

* * *

14 Art. 893. Suspension and deferral of sentence and probation in felony cases

15 A.

16 * * *

17 (2) The court shall not suspend the sentence of a conviction for an offense
 18 that is designated in the court minutes as a crime of violence pursuant to Article
 19 890.3, except a first conviction for an offense with a maximum prison sentence of
 20 ten years or less that was not committed against a family member or household
 21 member as defined by R.S. 14:35.3, or dating partner as defined by ~~R.S. 46:2151~~
 22 R.S. 9:1062. The period of probation shall be specified and shall not be more than
 23 five years.

24 * * *

25 Art. 895. Conditions of probation

26 * * *

27 M.(1) In all cases where the ~~defendant~~ defendant's violent conduct has been
 28 ~~convicted of restrained by a protective order for an offense of domestic abuse as~~
 29 ~~provided in R.S. 46:2132(3)~~ to violence as defined in R.S. 9:1061 committed against

1 a family member or household member as ~~provided in R.S. 46:2132(4)~~ defined in
 2 R.S. 9:1601, or of an offense of dating violence as provided in R.S. 46:2151(~~C~~) to
 3 a dating partner as ~~provided in R.S. 46:2151(B)~~ defined in R.S. 9:1602, the court
 4 shall order that the defendant submit to and successfully complete a court-approved
 5 course of counseling or therapy related to family, household, or dating violence, for
 6 all or part of the period of probation. If the defendant has already completed such
 7 a counseling program, ~~said~~ the counseling requirement shall be required only upon
 8 a finding by the court that ~~such~~ counseling or therapy would be effective in
 9 preventing future domestic violence, domestic abuse, or dating violence.

10 * * *

11 Art. 899.2. Administrative sanctions for technical violations; offenses other than
 12 crimes of violence or sex offenses

13 * * *

14 D. For purposes of this Article, "technical violation" means any violation of
 15 a condition of probation, except that it does not include any of the following:

16 * * *

17 (5) An allegation of domestic abuse battery pursuant to R.S. 14:35.3
 18 committed by one family member or household member against another, or battery
 19 committed by one dating partner as defined by ~~R.S. 46:2151~~ R.S. 9:1062 against
 20 another.

21 (6) An allegation of a violation of a protective order, pursuant to R.S. 14:79,
 22 issued against the offender to protect a family member or household member as
 23 defined by R.S. 14:35.3, or a dating partner as defined by ~~R.S. 46:2151~~ R.S. 9:1062.

24 * * *

25 Art. 900. Violation hearing; sanctions

26 A.

27 * * *

28 (6)

29 * * *

1 (d) A "technical violation", as used in this Paragraph, means any violation
2 except it shall not include any of the following:

3 * * *

4 (iii) An allegation of a criminal act that is subsequently proven to be a
5 violation of a protective order, pursuant to R.S. 14:79, issued against the offender to
6 protect a family member or household member as defined by R.S. 14:35.3, or dating
7 partner as defined by ~~R.S. 46:2151~~ R.S. 9:1062.

8 * * *

9 Art. 1001. Definitions

10 As used in this Title:

11 (1) "Dating partner" shall have the same meaning as provided in ~~R.S.~~
12 ~~46:2151~~ or R.S. 14:34.9.

13 (2) "Family member" shall have the same meaning as provided in ~~R.S.~~
14 ~~46:2132~~ or R.S. 14:35.3.

15 * * *

16 (4) "Household member" shall have the same meaning as provided in ~~R.S.~~
17 ~~46:2132~~ or R.S. 14:35.3.

18 * * *

19 Art. 1002. Transfer of firearms

20 A.

21 * * *

22 (2) Upon issuance of an injunction or order under any of the following
23 circumstances, the judge shall order the transfer of all firearms and the suspension
24 of a concealed handgun permit of the person who is subject to the injunction or
25 order:

26 (a) The issuance of a permanent injunction or a protective order pursuant to
27 a court-approved consent agreement or pursuant to the provisions of R.S. 9:361 et
28 seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's Code Article 1570, Code
29 of Civil Procedure Article 3607.1, or Articles 30, 320, or 871.1 of this Code that

1 meets the due process requirements and evidentiary standard set forth in R.S.
2 46:2136.

3 (b) The issuance of a Uniform Abuse Prevention Order that includes terms
4 that prohibit the person from possessing a firearm or carrying a concealed weapon
5 that meets the due process requirements and evidentiary standard set forth in R.S.
6 46:2136.

7 * * *

8 Section 6. R.S. 9:314, 361, 362(1), (3)(introductory paragraph) and (a), and (4),
9 364(A),(D),(E), and (F), 365, 366(A), 367, 369, 372(A) and (C), 3261.1(B), (C), (D), (E),
10 (F)(2) and (3), (G), (H), (I), and (K), and 4103(B)(1) are hereby amended and reenacted and
11 Chapter 1 of Code Title XI of Book 1 of Title 9 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 9:1061 and 1062, are hereby enacted to read as follows:

13 §314. Attorney fees and court costs in domestic violence or domestic abuse cases

14 A. The court may assess against the perpetrator of domestic violence or
15 domestic abuse all court costs, attorney fees, costs of enforcement and modification
16 proceedings, costs of appeal, evaluation fees, and expert witness fees in an action for
17 divorce granted pursuant to Civil Code Article 103(4) or (5), or in an action in which
18 the court determines that a party to a divorce or a child of one of the spouses was the
19 victim of domestic violence or domestic abuse committed by the perpetrator during
20 the marriage, and in incidental actions.

21 B. If the court finds that both spouses have been found to have engaged in
22 domestic violence or domestic abuse, the court may apportion the costs and fees
23 assessed in Subsection A of this Section in an equitable manner between the parties.

24 * * *

25 PART IV. POST-SEPARATION ~~FAMILY~~ DOMESTIC VIOLENCE RELIEF ACT

26 §361. Legislative findings: short title

27 A. The legislature hereby reiterates its previous findings and statements of
28 purpose set forth in R.S. 46:2121 and 2131 relative to ~~family violence~~ and domestic
29 violence. The legislature further finds that the problems of ~~family~~ domestic violence

1 do not necessarily cease when the victimized family is ~~legally~~ separated or divorced.
 2 In fact, the violence often escalates, and child custody and visitation become the new
 3 forum for the continuation of the abuse. Because current laws relative to child
 4 custody and visitation are based on an assumption that even divorcing parents are in
 5 relatively equal positions of power, and that such parents act in the children's best
 6 interest, these laws often work against the protection of the children and the abused
 7 spouse in families with a history of family domestic violence. Consequently, laws
 8 designed to act in the children's best interest may actually effect a contrary result due
 9 to the unique dynamics of family domestic violence.

10 B. This Part may be cited as the "Post-Separation Domestic Violence Relief
 11 Act".

12 §362. Definitions

13 As used in this Part:

14 (1) "Abused parent" means the parent who has not committed family
 15 domestic violence.

16 * * *

17 (3) "Court-monitored domestic ~~abuse~~ violence intervention program" means
 18 a program, comprised of a minimum of twenty-six in-person sessions, that follows
 19 a model designed specifically for perpetrators of domestic ~~abuse~~ violence. The
 20 offender's progress in the program shall be monitored by the court. The provider of
 21 the program shall have all of the following:

22 (a) Experience in working directly with perpetrators and victims of domestic
 23 ~~abuse~~ violence.

24 * * *

25 (4) "Family Domestic violence" ~~includes but is not limited to physical or~~
 26 ~~sexual abuse and any offense against the person as defined in the Criminal Code of~~
 27 ~~Louisiana, except negligent injuring and defamation, as defined in R.S. 9:1061 when~~
 28 committed by one parent against the other parent or against any of the children.

29 Family As used in this part, domestic violence does not include reasonable acts of

1 self-defense utilized by one parent to protect himself or herself or a child in the
2 family from the family violence of the other parent.

3 * * *

4 §364. Child custody; visitation

5 A. There is created a presumption that no parent who has a history of
6 perpetrating family violence, as defined in R.S. 9:362, or domestic ~~abuse~~ violence,
7 as defined in ~~R.S. 46:2132~~ R.S. 9:1061, or has subjected any of his or her children,
8 stepchildren, or any household member, as defined in ~~R.S. 46:2132~~ R.S. 9:1061, to
9 sexual abuse, as defined in R.S. 14:403, or has willingly permitted another to abuse
10 any of his children or stepchildren, despite having the ability to prevent the abuse,
11 shall be awarded sole or joint custody of children. The court may find a history of
12 perpetrating family violence if the court finds that one incident of family violence
13 has resulted in serious bodily injury or the court finds more than one incident of
14 family violence.

15 * * *

16 D. If the court finds that both parents have a history of perpetrating ~~family~~
17 domestic violence, custody shall be awarded solely to the parent who is less likely
18 to continue to perpetrate ~~family~~ domestic violence. In such a case, the court shall
19 mandate completion of a court-monitored domestic abuse intervention program by
20 the custodial parent. If necessary to protect the welfare of the child, custody may be
21 awarded to a suitable third person pursuant to Civil Code Article 133, provided that
22 the person would not allow access to a violent parent except as ordered by the court.

23 E. If the court finds that a parent has a history of perpetrating ~~family~~
24 domestic violence, the court shall allow only supervised child visitation with that
25 parent pursuant to R.S. 9:341.

26 F. If any court finds, by clear and convincing evidence, that a parent has
27 sexually abused ~~his or her~~ the child ~~or children~~, the court shall prohibit all visitation
28 and contact between the abusive parent and the ~~children pursuant to R.S. 9:341~~ child.

29 * * *

1 §365. Qualification of mental health professional

2 Any mental health professional appointed by the court to conduct a custody
3 evaluation in a case where ~~family~~ domestic violence is an issue shall have current
4 and demonstrable training and experience working with perpetrators and victims of
5 ~~family~~ domestic violence.

6 §366. Injunctions

7 A. All separation, divorce, child custody, and child visitation orders and
8 judgments in ~~family~~ domestic violence cases shall contain an injunction as defined
9 in R.S. 9:362. Upon issuance of such injunction, the judge shall cause to have
10 prepared a Uniform Abuse Prevention Order as provided in R.S. 46:2136.2(C), shall
11 sign such order, and shall immediately forward it to the clerk of court for filing on
12 the day that the order is issued. The clerk of the issuing court shall transmit the
13 Uniform Abuse Prevention Order to the ~~Judicial Administrator's Office~~ judicial
14 administrator's office, Louisiana Supreme Court, for entry into the Louisiana
15 Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile
16 transmission or direct electronic input as expeditiously as possible, but no later than
17 the end of the next business day after the order is filed with the clerk of court. The
18 clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention
19 Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief
20 law enforcement officer of the parish where the person or persons protected by the
21 order reside by facsimile transmission or direct electronic input as expeditiously as
22 possible, but no later than the end of the next business day after the order is filed
23 with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be
24 retained on file in the office of the chief law enforcement officer until otherwise
25 directed by the court.

26 * * *

27 §367. Costs

28 In any ~~family~~ domestic violence case, all court costs, attorney fees, costs of
29 enforcement and modification proceedings, costs of appeal, evaluation fees, and

1 expert witness fees incurred in furtherance of this Part shall be paid by the
2 perpetrator of the ~~family~~ domestic violence, including all costs of medical and
3 psychological care for the ~~abused spouse~~ victim of the domestic violence, or for any
4 of the children, necessitated by the ~~family~~ domestic violence.

5 * * *

6 §369. Limitations

7 No public funds allocated to programs which provide services to victims of
8 domestic violence or domestic abuse shall be used to provide services to the
9 perpetrator of domestic violence or domestic abuse.

10 * * *

11 §372. Injunction against ~~abuse~~ domestic violence; form; central registry

12 A. In a proceeding for divorce, a court may grant an injunction prohibiting
13 a spouse from ~~physically or sexually abusing the other spouse or a child of either of~~
14 ~~the parties~~ committing domestic violence.

15 * * *

16 C. The clerk of the issuing court shall transmit the Uniform Abuse
17 Prevention Order to the ~~Judicial Administrator's Office~~ judicial administrator's
18 office, Louisiana Supreme Court, for entry into the Louisiana Protective Order
19 Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct
20 electronic input as expeditiously as possible, but no later than the end of the next
21 business day after the order is filed with the clerk of court. The clerk of the issuing
22 court shall also send a copy of the Uniform Abuse Prevention Order, as provided in
23 R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer
24 of the parish where the person or persons protected by the order reside by facsimile
25 transmission or direct electronic input as expeditiously as possible, but no later than
26 the end of the next business day after the order is filed with the clerk of court. A
27 copy of the Uniform Abuse Prevention Order shall be retained on file in the office
28 of the chief law enforcement officer until otherwise directed by the court.

29 * * *

1 CODE TITLE XI – PERSONS WHO ARE VICTIMS OF VIOLENCE

2 AND ABUSE

3 CHAPTER 1. CIVIL ENFORCEMENT AGAINST CRIMINAL ACTS

4 FOR VICTIMS OF VIOLENCE AND ABUSE

5 §1061. Definitions; domestic violence; domestic abuse; persons applicable

6 A. Whenever used in this Title or in any other Title or Code, unless a
7 different meaning clearly appears in the context, the following terms shall apply to
8 the following criminal conduct and shall have the following meanings:

9 (1) "Domestic abuse" means a non-physical offense that is defined as a
10 criminal offense by the Criminal Code, except for defamation, regardless of whether
11 a person was prosecuted when the non-physical offense is committed against a
12 spouse, other family member, or a household member.

13 (2) "Domestic violence" means physical or sexual abuse and any offense
14 against the person, defined as a crime of violence pursuant to R.S. 14:2, regardless
15 of whether the perpetrator was prosecuted but such a finding must be by clear and
16 convincing evidence if he has not been prosecuted for the criminal act. "Domestic
17 violence" shall not mean those reasonable acts of self-defense utilized by one parent
18 to protect himself or herself or a child in the family from the family violence of the
19 other parent. "Domestic violence" applies when the crime of violence is committed
20 against a spouse, other family member, or household member.

21 B. Whenever used in this Title or in any other Title or Code, unless a
22 different meaning clearly appears in the context, the following terms shall apply to
23 the following persons and shall have the following meanings:

24 (1) "Family members" means spouses, former spouses, parents, children,
25 stepparents, stepchildren, foster parents, foster children, other ascendants, and other
26 descendants. The term "family member" shall include the defendant's child
27 regardless of where the child resides.

1 (4) "Domestic ~~abuse~~ victim" means a lessee or household member who has
2 been named as a petitioner in a Uniform Abuse Prevention Order or has completed
3 a Certification of Domestic Abuse.

4 (5) "Family member" shall have the same meaning as provided in R.S.
5 9:1061.

6 (6) "Household member" means a household member as defined in ~~R.S.~~
7 ~~14:35.3~~ R.S. 9:1061.

8 (6)(7) "Qualified third party" means the executive director, program director,
9 or another employee of a community-based shelter contracted with the Department
10 of Children and Family Services pursuant to R.S. 46:2124, provided the employee
11 is a Licensed Clinical Social Worker (LCSW) or possesses a masters degree in
12 Social Work (MSW).

13 (7)(8) "Reasonable documentation" shall be exclusively confined to mean
14 any of the following documents:

15 (a) A completed Certification of Domestic Abuse form as set forth in this
16 Section, signed under oath by a qualified third party as defined in this Section.

17 (b) A Uniform Abuse Prevention Order.

18 C.(1) No lease agreement shall:

19 (a) Limit the lessee's right to summon, or any other person's right to
20 summon, a law enforcement officer or other emergency assistance in response to an
21 emergency or following an incident of domestic ~~abuse~~ violence on the leased
22 premises.

23 (b) Assess monetary penalties or other penalties under the lease for the lessee
24 summoning, or for any other person summoning, a law enforcement officer or other
25 emergency assistance in response to an emergency or following an incident of
26 domestic ~~abuse~~ violence on the leased premises.

27 (2) A lease provision prohibited under this Subsection shall be null, void,
28 and unenforceable.

1 D.(1) A lessor shall not:

2 (a) Refuse to enter into the lease agreement solely on the basis that an
3 applicant, or that applicant's household member, is or has been a victim of domestic
4 ~~abuse~~ violence, or, except as provided by Subparagraph (b) of this Paragraph, on the
5 basis of activity directly related to domestic ~~abuse~~ violence, if that applicant provides
6 reasonable documentation and otherwise qualifies to enter into a lease agreement.
7 The provisions of this Subparagraph shall not apply to an applicant who has
8 previously been evicted by the lessor for any reason.

9 (b) Terminate the lease agreement, fail to renew the lease agreement, or issue
10 an eviction notice or notice to vacate on the basis that an act of domestic ~~abuse~~
11 violence or activity directly related to domestic abuse has occurred on the leased
12 premises and the victim is a lessee or a lessee's household member. However, if the
13 continued presence of a domestic abuse offender in, or in close proximity to, the
14 lessee's residential dwelling or apartment results in one or more additional violent
15 disturbances or altercations and those disturbances or altercations pose a threat to the
16 safety or peaceable possession of the premises by the lessee or other residents, then
17 the lessor may evict the lessee, even if the presence of the domestic abuse offender
18 is uninvited or unwelcome by the lessee. In such evictions, at the lessor's sole
19 discretion, the lessor may permit the lessee to relocate to a different residential
20 dwelling or apartment, provided that another residential dwelling or apartment is
21 available and the lessee otherwise meets the lessor's qualification standards.

22 (2) An applicant, lessee, or any family member or household member of an
23 applicant or lessee who is or was the victim of domestic abuse, and who seeks
24 protection under this Section, shall produce to the lessor reasonable documentation
25 of the domestic abuse on or before the date of the lease application, lease
26 termination, lease nonrenewal, or before the judgment or order of eviction is
27 rendered. Failure of the applicant, lessee, family member, or household member of
28 any applicant or lessee to timely produce such reasonable documentation shall

1 preclude and act as a complete bar to that applicant, lessee, or household member
2 asserting claims or causes of action against the lessor for violation of this Subsection.

3 (3)(a) A lessor who has not yet been given reasonable documentation of the
4 ~~abuse~~ violence by the lessee and who issues an eviction notice or a notice to vacate
5 to any lessee for any reason allowed under an existing lease agreement, including
6 damage to leased premises, shall not be penalized under this Section.

7 (b) However, if the sole reason the eviction notice or notice to vacate was
8 issued was a single act of domestic ~~abuse~~ violence and not an additional act of
9 domestic ~~abuse~~ violence under Paragraph (D)(1), no breach of the lease has been
10 alleged, and the lessor receives reasonable documentation of domestic abuse before
11 the judgment or order of eviction is rendered, then the lessor shall rescind the
12 eviction notice or notice to vacate.

13 E. Only a lessee or a household member of the lessee's residential dwelling
14 unit may be considered a domestic ~~abuse~~ victim such that the lessee may request an
15 accommodation under this Section. In order for a lessee to receive an early
16 termination as provided in this Section, the lessee shall do all of the following:

17 (1) Assert in writing to the lessor that the lessee, or the lessee's household
18 member, is a domestic ~~abuse~~ victim and that the lessee seeks the particular
19 accommodation afforded under Subsection F of this Section.

20 (2) Provide to the lessor reasonable documentation that the lessee seeking
21 an accommodation, or that lessee's household member, was a victim of an act of
22 domestic ~~abuse~~ violence on the leased premises within the past thirty days.

23 (3) Assert in writing that the lessee seeking the accommodation will not
24 knowingly voluntarily permit the domestic ~~abuse~~ offender further access to,
25 visitation on, or occupancy of the lessee's residential dwelling unit and
26 acknowledging that any violation of this Section may result in eviction or
27 termination of the lease.

28 (4) Otherwise meet or agree to fulfill all requirements of a lessee under the
29 lease agreement.

1 (5) If requested by the lessor, provide in writing the name and address of the
2 person named as the defendant, perpetrator or ~~abuser~~ domestic offender in a Uniform
3 Abuse Prevention Order or Certification of Domestic Abuse form.

4 F. If a lessee fulfills all of the requirements of Subsection E of this Section,
5 the lessor shall grant the lessee the requested early termination of the lease, as
6 provided by this Subsection:

7 * * *

8 (2) In such cases, the lessee requesting the accommodation is liable only for
9 rent paid through the early termination date of the lease and any previous obligations
10 to the lessor outstanding on that date. The amount due from the lessee shall be paid
11 to the lessor on or before the date the lessee vacates the dwelling. The lessor may
12 withhold the lessee's security deposit only for any reason permitted under R.S.
13 9:3251. If the lessee or an additional lessee is a domestic ~~abuse~~ offender named on
14 reasonable documentation presented to the lessor in a lessee's request for an
15 accommodation under this Section, the lessor shall be entitled to an immediate
16 eviction of the domestic ~~abuse~~ offender upon presenting the court with reasonable
17 documentation of the ~~abuse~~ violence.

18 (3) When there are multiple lessees who are parties to a lease agreement for
19 which the accommodation of early termination is requested by one or more lessees,
20 and upon the lessee's timely providing to the lessor reasonable documentation of the
21 abuse as required in this Section, the entire lease shall terminate on the mutually
22 agreed-upon date, and the lessor shall be entitled to an immediate eviction of all
23 lessees upon presenting the court with reasonable documentation of the ~~abuse~~
24 violence.

25 G. Nothing in this Section shall be construed to limit a lessor's right to refuse
26 to enter into a lease agreement, terminate a lease agreement, fail to renew a lease
27 agreement, or issue an eviction notice or notice to vacate to a lessee or tenants
28 pursuant to Code of Civil Procedure Article 4701 et seq., for actions unrelated to the
29 act of domestic ~~abuse~~ violence. Further, a lessor shall be entitled to an immediate

1 eviction of the domestic ~~abuse~~ offender upon presenting the court with reasonable
2 documentation of the ~~abuse~~ violence, and nothing in this Section shall limit a lessee's
3 obligation as required by a lease agreement between the lessor and lessee.

4 H. A Certification of Domestic ~~Abuse~~ Violence form as provided for in this
5 Section shall read substantially the same as follows:

6 (Name of qualified third party and, if applicable, the name of their shelter,
7 office or agency)

8 I and/or my (family member or household member) have suffered domestic
9 abuse as defined in R.S. 9:3261.1.

10 Briefly describe the incident giving rise to the claim of domestic abuse:

11 The incident(s) that I rely on in support of this declaration occurred on the
12 following date(s) and time(s): _____ and at the following location(s): ____
13 _____.

14 The incident(s) that I rely on in support of this declaration was/were
15 committed by the following person(s), if known: _____.

16 I state under penalty of perjury under the laws of the state of Louisiana that
17 the foregoing is true and correct. By submitting this statement I do not waive any
18 legally recognized privilege protecting any communications that I may have with the
19 agency or representative whose name appears below or with any other person or
20 entity. I understand that my obligation to pay rent does not end until the early
21 termination date of my lease as decided by the lessor or until I vacate the premises
22 upon receiving agreement by the lessor to terminate my obligations under the lease
23 early. I understand that my lessor may keep my security deposit or other amounts
24 as permitted under law.

25 Dated at _____, Louisiana, this _____ day of ____ 20 ____.

26 (Signature of Lessee or Lessee's family member or household member)

27 PRINTED NAME

28 I verify under penalty of perjury under the laws of the state of Louisiana that
29 I have provided services to the person whose signature appears above and that, based

1 on information communicated to me by the person whose signature appears above,
 2 the individual or his or her family or household member has suffered domestic ~~abuse~~
 3 violence as defined by R.S. 9:3261.1, and that the individual informed me of the
 4 name of the alleged perpetrator of the actions, giving rise to the claim, if known.
 5 This verification does not waive any legally recognized privilege that I, my agency,
 6 or any of its representatives have with the person whose signature appears above.

7 Dated this _____ day of _____, 20 ____.

8 *(Signature of qualified third party)*

9 PRINTED NAME

10 *(License number or organizational tax identification number)*

11 *(Organization name)*

12 *(Printed address)*

13 I. A civil action for enforcement of rights granted pursuant to this Section
 14 may be commenced in state district court by a domestic ~~abuse~~ victim within one year
 15 of an alleged violation of this Section. In the civil action, the court may only grant
 16 as relief any permanent or temporary injunction, temporary restraining order, or
 17 other similar order, as the court deems appropriate.

18 * * *

19 K. No civil action may be commenced under this Section if the plaintiff or
 20 the plaintiff's family member or household member has knowingly voluntarily
 21 permitted the domestic abuse offender access to, visitation on, or occupancy of the
 22 lessee's residential dwelling unit at any time after having requested an
 23 accommodation from the lessor under this Section.

24 * * *

25 §4103. Referral of a case for mediation; exceptions

26 * * *

27 B. The following types of proceedings shall not be referred to mediation
 28 pursuant to this Chapter:

1 §721. Commissioner for the Twenty-Second Judicial District Court

2 * * *

3 E.

4 * * *

5 (2) The powers of the commissioner when hearing criminal matters may
6 include but shall not be limited to the power to:

7 * * *

8 (1) Supervise special conditions of protective orders, domestic ~~violence~~
9 abuse, and any other probation conditions.

10 * * *

11 §1802. Definitions

12 * * *

13 (4) "Child custody proceeding" means a proceeding in which legal custody,
14 physical custody, or visitation with respect to a child is an issue. The term includes
15 a proceeding for divorce, separation, neglect, abuse, dependency, guardianship,
16 paternity, termination of parental rights, and protection from domestic violence or
17 domestic abuse as defined in R.S. 9:1061, in which the issue may appear. The term
18 does not include a proceeding involving juvenile delinquency, contractual
19 emancipation, or enforcement under Subpart C of this Part.

20 * * *

21 §1819. Inconvenient forum

22 * * *

23 B. Before determining whether it is an inconvenient forum, a court of this
24 state shall consider whether it is appropriate for a court of another state to exercise
25 jurisdiction. For this purpose, the court shall allow the parties to submit information
26 and shall consider all relevant factors, including:

27 (1) Whether domestic violence or domestic abuse has occurred and is likely
28 to continue in the future and which state could best protect the parties and the child.

29 * * *

1 §1821. Information to be submitted to court

2 A. Subject to local law providing for the confidentiality of procedures,
3 addresses, and other identifying information in a child custody proceeding, each
4 party, in its first pleading or in an attached affidavit, shall give information, if
5 reasonably ascertainable, under oath as to the child's present address or whereabouts,
6 the places where the child has lived during the last five years, and the names and
7 present addresses of the persons with whom the child has lived during that period.

8 The pleading or affidavit shall state whether the party:

9 * * *

10 (2) Knows of any proceeding that could affect the current proceeding,
11 including proceedings for enforcement and proceedings relating to domestic violence
12 or domestic abuse, protective orders, termination of parental rights, and adoptions
13 and, if so, identify the court, the case number, and the nature of the proceeding.

14 * * *

15 §1830. Expedited enforcement of child custody determination

16 * * *

17 B. A petition for enforcement of a child custody determination shall state:

18 * * *

19 (3) Whether any proceeding has been commenced that could affect the
20 current proceeding, including proceedings relating to domestic violence and
21 domestic abuse as defined in R.S. 9:1061, protective orders, termination of parental
22 rights, and adoptions and, if so, identify the court, the case number, and the nature
23 of the proceeding.

24 * * *

25 §1852. Definitions

26 For purposes of this Part, the following terms shall have the following
27 meanings unless the context clearly indicates otherwise:

28 * * *

1 (4) "Child-custody proceeding" means a proceeding in which legal custody,
2 physical custody, or visitation with respect to a child is at issue. The term includes
3 a proceeding for divorce, dissolution of marriage, separation, neglect, abuse,
4 dependency, guardianship, paternity, termination of parental rights, or protection
5 from domestic violence or domestic abuse as defined in R.S. 9:1061.

6 * * *

7 §1856. Contents of petition

8 A petition under this Part shall be verified and include a copy of any existing
9 child-custody determination, if available. The petition shall specify the risk factors
10 for abduction, including the relevant factors described in R.S. 13:1857. Subject to
11 the provisions of R.S. 13:1821(E), if reasonably ascertainable, the petition shall
12 contain:

13 * * *

14 (4) A statement of whether a prior action to prevent abduction or domestic
15 violence has been filed by a party, ~~or~~ other individual, or entity having custody of the
16 child, and the date, location, and disposition of the action.

17 (5) A statement of whether a party to the proceeding has been arrested for
18 a crime related to domestic violence as defined in R.S. 9:1061, stalking, or child
19 ~~abuse or neglect~~, and the date, location, and disposition of the case.

20 * * *

21 §1857. Factors to determine risk of abduction

22 A. In determining whether there is a credible risk of abduction of a child, the
23 court shall consider all of the following factors and any evidence that the petitioner
24 or respondent:

25 * * *

26 (4) Has engaged in domestic violence, as defined in R.S. 9:1061, stalking,
27 or child ~~abuse or neglect~~.

28 * * *

1 §1858. Provisions and measures to prevent abduction

2 * * *

3 B. If, at a hearing on a petition under this Part or on the court's own motion,
4 the court after reviewing the evidence finds a credible risk of abduction of the child,
5 the court shall enter an abduction prevention order. The order shall include the
6 provisions required by Subsection A of this Section and measures and conditions,
7 including those in Subsections C, D, and E of this Section, that are reasonably
8 calculated to prevent abduction of the child, giving due consideration to the custody
9 and visitation rights of the parties. The court shall consider the age of the child, the
10 potential harm to the child from an abduction, the legal and practical difficulties of
11 returning the child to the jurisdiction if abducted, and the reasons for the potential
12 abduction, including evidence of domestic violence, stalking, or child ~~abuse or~~
13 neglect.

14 * * *

15 §1859. Warrant to take physical custody of child

16 * * *

17 D. If feasible, before issuing a warrant and before determining the placement
18 of the child after the warrant is executed, the court may order a search of the relevant
19 databases of the National Crime Information Center system and similar state
20 databases to determine if either the petitioner or respondent has a history of domestic
21 violence, as defined in R.S. 9:1061, stalking, or child ~~abuse or~~ neglect.

22 * * *

23 §2106. Particular courts; nonrefundable fee; assessment and disposition

24 * * *

25 B. In each criminal proceeding, involving ~~family violence as defined in R.S.~~
26 ~~46:2121.1~~ domestic violence as defined in R.S. 9:1061, simple or third degree rape,
27 forcible or second degree rape, aggravated or first degree rape, aggravated assault,
28 aggravated battery, simple battery, aggravated kidnapping, simple kidnapping, or
29 false imprisonment, or any attempt to commit the aforementioned crimes, a
30 nonrefundable fee of twenty-five dollars shall be collected by the clerk of the City

1 Court of East St. Tammany and the clerk of the Twenty-Second Judicial District
2 Court, St. Tammany Parish, which shall be in addition to all other fines, costs, or
3 forfeitures lawfully imposed. If the defendant is found guilty and placed on
4 probation, the court shall, as a condition of probation require the defendant to pay the
5 additional fee at the time the defendant is placed on probation. If the sentence of the
6 court is incarceration, the fee shall be collected at the time of imposition of sentence.

7 * * *

8 §5304. The drug division probation program

9 * * *

10 B. Participation in probation programs shall be subject to the following
11 provisions:

12 * * *

13 (10) In order to be eligible for the drug division probation program, the
14 defendant ~~must~~ shall satisfy each of the following criteria:

15 * * *

16 (b) The crime before the court cannot be a crime of violence as defined in
17 R.S. 14:2(B), except a first conviction of an offense with a maximum prison sentence
18 of ten years or less that was not committed against a family member or household
19 member as defined by R.S. 14:35.3, or against a dating partner as defined by ~~R.S.~~
20 ~~46:2151~~ R.S. 9:1061, or an offense of domestic abuse battery that is punishable by
21 imprisonment at hard labor as provided in R.S. 14:35.3.

22 * * *

23 Section 8. R.S. 14:79(E) is hereby amended and reenacted to read as follows:

24 §79. Violation of protective orders

25 * * *

26 E.(1) Law enforcement officers shall use every reasonable means, including
27 but not limited to immediate arrest of the violator, to enforce a preliminary or
28 permanent injunction or protective order obtained pursuant to R.S. 9:361, R.S. 9:372,
29 R.S. 46:2131 et seq., R.S. 46:2151, R.S. 46:2171 et seq., R.S. 46:2181 et seq.,

1 Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and
 2 3607.1, or Code of Criminal Procedure Articles 320 and 871.1 after a contradictory
 3 court hearing, or to enforce a temporary restraining order or ex parte protective order
 4 issued pursuant to R.S. 9:361, R.S. 9:372, R.S. 46:2131 et seq., ~~R.S. 46:2151~~, R.S.
 5 46:2171 et seq., R.S. 46:2181 et seq., Children's Code Article 1564 et seq., or Code
 6 of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Article
 7 320 if the defendant has been given notice of the temporary restraining order or ex
 8 parte protective order by service of process as required by law.

9 (2) Law enforcement officers shall at a minimum issue a summons to the
 10 person in violation of a temporary restraining order, a preliminary or permanent
 11 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,
 12 R.S. 46:2131 et seq., ~~R.S. 46:2151~~, R.S. 46:2181 et seq., Children's Code Article
 13 1564 et seq., or Code of Civil Procedure Articles 3604 and 3607.1, or Code of
 14 Criminal Procedure Articles 30, 320, and 871.1.

15 * * *

16 Section 9. R.S. 15:257.1(C)(1)(c), 574.7(C)(2)(a)(x) and (4)(e) and (f),
 17 574.9(H)(2)(c), 587.8(A) and (B)(3)(introductory paragraph), (b), and (d) and (7) are hereby
 18 amended and reenacted to read as follows:

19 §257.1. Exception for material witness warrants for victims of sex offenses and
 20 ~~intimate partner~~ dating violence; legislative intent

21 * * *

22 C.(1) A judge shall not order a material witness warrant to secure the
 23 presence of a victim listed in the indictment or bill of information solely for the
 24 purpose of securing the attendance or testimony of a victim listed in a felony
 25 prosecution in cases where the instituted charges are either:

26 * * *

27 (c) A case where the victim listed in the indictment or bill of information of
 28 the current felony charge pending before the court is the current or former spouse or
 29 the current or former dating partner as defined by ~~R.S. 46:2151~~ R.S. 9:1062,

1 regardless of whether or not the individuals reside in the same household that is a
2 pending matter before a court.

3 * * *

4 §574.7. Custody and supervision of parolees; modification or suspension of
5 supervision; violation of conditions of parole; sanctions; alternative
6 conditions; administrative sanctions

7 * * *

8 C.

9 * * *

10 (2) The department shall promulgate rules to implement the provisions of
11 this Subsection to establish the following:

12 (a) A system of structured, administrative sanctions which shall be imposed
13 for technical violations of parole and which shall take into consideration the
14 following factors:

15 * * *

16 (x) Incarceration shall not be used for first or second violations of alcohol
17 use or admission, except for defendants convicted of operating a vehicle while
18 intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery
19 pursuant to R.S. 14:35.3 committed by one family member or household member
20 against another; defendants convicted of battery by one dating partner as defined by
21 ~~R.S. 46:215~~ R.S. 9:1062 against another; or defendants convicted of a violation of
22 a protective order, pursuant to R.S. 14:79, issued against the defendant to protect a
23 family member or household member as defined by R.S. 14:35.3, or a dating partner
24 as defined by ~~R.S. 46:215~~ R.S. 9:1062.

25 * * *

26 (4) For purposes of this Subsection, "technical violation" means any
27 violation of a condition of parole, that does not include any of the following:

28 * * *

1 (e) An allegation of domestic abuse battery pursuant to R.S. 14:35.3
2 committed by one family member or household member against another, or an
3 allegation of battery committed by one dating partner as defined by ~~R.S. 46:2151~~
4 R.S. 9:1062 against another.

5 (f) An allegation of violation of a protective order, pursuant to R.S. 14:79,
6 issued against the offender to protect a family member or household member as
7 defined by R.S. 14:35.3, or a dating partner as defined by ~~R.S. 46:2151~~ R.S. 9:1062.

8 * * *

9 §574.9. Revocation of parole for violation of condition; committee panels; return
10 to custody hearing; duration of reimprisonment and reparole after revocation;
11 credit for time served; revocation for a technical violation

12 * * *

13 H.

14 * * *

15 (2) A "technical violation", as used in this Subsection, means any violation
16 except it shall not include any of the following:

17 * * *

18 (c) An allegation of a criminal act that is subsequently proven to be a
19 violation of a protective order, pursuant to R.S. 14:79, issued against the offender to
20 protect a household member or family member as defined by R.S. 14:35.3, or dating
21 partner as defined by ~~R.S. 46:2151~~ R.S. 9:1062.

22 * * *

23 §587.8. Access to criminal history system for victims of domestic violence,
24 domestic abuse, victims of human trafficking, victims of dating violence, and
25 victims of sexual assault.

26 A. In order to protect the integrity and the security of the family court and
27 civil court system and in order to obtain evidence in furtherance of Code of Evidence
28 Article 412.5, a licensed attorney who is counsel of record in a case involving a
29 victim of domestic violence, domestic abuse, human trafficking, dating violence, or

1 sexual assault shall be allowed to access state criminal history records on a certain
2 individual who is a party or a witness in the civil cases in which the attorney is
3 counsel of record.

4 B. For purposes of this Section, the following definitions shall apply:

5 * * *

6 (3) "Civil case" means a case filed in family court or other court of
7 competent jurisdiction where civil cases are heard related to allegations of domestic
8 violence, domestic abuse, dating violence, family violence, violence against a child,
9 violence against a spouse, sexual assault, or human trafficking, including but not
10 limited to all of the following:

11 * * *

12 (b) A civil case whereby evidence is admissible, pursuant to Code of
13 Evidence Article 412.5, related to acts of domestic violence or domestic abuse as
14 defined in ~~R.S. 46:2132~~ R.S. 9:1061, ~~family violence as defined in R.S. 9:362~~, dating
15 violence as defined in ~~R.S. 46:2151~~ R.S. 9:1062, or sexual abuse as defined in R.S.
16 9:362.

17 * * *

18 (d) A civil case filed pursuant to Title V or Title VI of Book I of the Civil
19 Code.

20 * * *

21 (7) "Witness" means a person who is not a party to the case but who may be
22 awarded custody or visitation of the child or who has had contact or may have future
23 contact with the child, the alleged victim, or the alleged perpetrator of domestic
24 violence, domestic abuse, human trafficking, dating violence, or sexual assault.

25 * * *

26 Section 10. R.S. 17:7.2(A)(6) is hereby amended and reenacted to read as follows:

27 §7.2. Approved teacher education programs

28 A. In carrying out its responsibility to prescribe the qualifications and
29 provide for the certification of teachers under authority of R.S. 17:7(6), the State

1 Board of Elementary and Secondary Education, subject to the constitutional power
 2 and authority of the Board of Regents, the Board of Supervisors for the University
 3 of Louisiana System, the Board of Supervisors of Louisiana State University and
 4 Agricultural and Mechanical College, and the Board of Supervisors of Southern
 5 University and Agricultural and Mechanical College, shall establish qualifications
 6 and requirements for the approval of teacher education programs from which
 7 graduates may be certified. The qualifications and requirements established by the
 8 State Board of Elementary and Secondary Education for an approved teacher
 9 education program shall include but not be limited to the following:

10 * * *

11 (6) That the program shall include, for certification to teach grades seven
 12 through twelve, training in teaching family life education and the use of methods and
 13 materials to integrate this material into an existing course of study such as home
 14 economics, science, health, physical hygiene, or physical education. For purposes
 15 of this Paragraph, "family life education" shall mean information and techniques as
 16 appropriate for the age of a student relative to family living and community
 17 relationships; the value of postponing sexual activity; human sexuality; human
 18 reproduction and contraception; the etiology, prevention, and effects of sexually
 19 transmitted diseases, including human acquired immunodeficiency virus disease
 20 (AIDS); the consequences of tobacco use and substance abuse; the consequences of
 21 the lack of and inadequate prenatal care; child neglect and abuse; domestic violence;
 22 dating violence; and the responsibilities of parenthood.

23 * * *

24 Section 11. R.S. 22:1063(A)(1)(g) and 1078(A) are hereby amended and reenacted
 25 to read as follows:

26 §1063. Prohibiting discrimination against individual participants and beneficiaries
 27 based on health status

28 A.(1) Subject to Paragraph (2) of this Subsection, a group health plan, and
 29 a health insurance issuer offering group health insurance coverage in connection with

1 a group health plan, may not establish rules for eligibility, including continued
2 eligibility, of any individual to enroll under the terms of the plan based on any of the
3 following health status-related factors in relation to the individual or a dependent of
4 the individual:

5 * * *

6 (g) Evidence of insurability, including conditions arising out of acts of
7 domestic ~~violence~~ abuse.

8 * * *

9 §1078. Protections required for victims of the crime of domestic violence

10 A. As used in this Section, the following terms shall be defined as follows:

11 (1) ~~"Abuse" means bodily injury as a result of battery or any offense against~~
12 ~~the person as defined in the Louisiana Criminal Code, except negligent injury and~~
13 ~~defamation, when such battery or offense is committed by one family or household~~
14 ~~member against another. "Abuse" shall also mean abuse of adults as defined in R.S.~~
15 ~~15:1503 when committed by an adult child or adult grandchild.~~

16 (2) "Abuse status" means the fact or perception that a person is, has been, or
17 may be a subject of ~~abuse~~ domestic violence, irrespective of whether the person has
18 sustained abuse-related medical conditions.

19 (2) "Confidential abuse information" means information about acts of
20 domestic abuse or the abuse status of a subject of abuse, the fact that a person's
21 medical condition is abuse-related if the issuer knows or has reason to know it is
22 abuse-related, the home and work address and telephone number of a subject of
23 abuse, or the status of an applicant or insured as a family member, employer, or
24 associate of a subject of abuse, or as a person in a relationship with a subject of
25 abuse.

26 (3) "Domestic violence" has the meaning provided in R.S. 9:1061.

27 (4) "Insurance professional" means an agent, broker, adjuster, or third party
28 administrator as defined in this Title.

1 (5) "Subject of abuse" means a person against whom an act of ~~abuse~~
2 domestic violence has been directed; who has current or prior injuries, illnesses, or
3 disorders that result from abuse; or who seeks, may have sought, or had reason to
4 seek medical or psychological treatment for abuse or protection, court-ordered
5 protection, or shelter from abuse.

6 * * *

7 Section 12. R.S. 33:9701(C)(2) is hereby amended and reenacted to read as follows:
8 §9701. Ensuring access to emergency services for victims of domestic abuse and
9 other crimes; parishes and municipalities; prohibited ordinances

10 * * *

11 C. As used in this Section, the following words and phrases shall have the
12 meaning ascribed to them in this Subsection, except as otherwise may be provided
13 or unless a different meaning is plainly required by the context:

14 * * *

15 (2) "Domestic ~~abuse~~ violence" has the ~~same~~ meaning as provided in ~~R.S.~~
16 ~~46:2132~~ R.S. 9:1061.

17 * * *

18 Section 13: R.S. 37:2554(B)(2)(b) is hereby amended and reenacted to read as
19 follows:

20 §2554. Qualifications; examinations; certificates

21 * * *

22 B.

23 * * *

24 (2)

25 * * *

26 (b) Notwithstanding any provision of law to the contrary, in Orleans Parish
27 Civil District Court, electronic or audio recording may be utilized only in hearings
28 related to protection from ~~abuse~~ domestic violence pursuant to R.S. 46:2131 et seq.

1 or R.S. 46:2151, protection from stalking pursuant to R.S. 46:2171 et seq., and
2 protection for victims of sexual assault pursuant to R.S. 46:2181 et seq.

3 * * *

4 Section 14. R.S. 39:1619(A)(3)(introductory paragraph), (a), (f), and (g) are hereby
5 amended and reenacted to read as follows:

6 §1619. Social service contracts

7 A. Social services include:

8 * * *

9 (3) Protection for adults and children include services rendered by a
10 contractor to provide therapeutic intervention for adults or children who are in
11 danger or threatened with danger of physical or mental injury, neglect, maltreatment,
12 extortion, or exploitation, including victims of ~~family~~ domestic violence. These
13 services include but are not limited to:

14 (a) Community planning for ~~neglect/abuse~~ neglect or abuse.

15 * * *

16 (f) Emergency shelter for, and services in support of, victims of rape/~~family~~
17 ~~violence or services in support of same~~ or domestic violence.

18 (g) Training and evaluation services for ~~same~~ victims of rape or domestic
19 violence.

20 * * *

21 Section 15. R.S. 40:506(D) and 1379.3.2(A) are hereby amended and reenacted to
22 read as follows:

23 §506. Termination of tenancy

24 * * *

25 D.(1) The local housing authority may not terminate the tenancy of a
26 household or a resident or terminate any other assistance provided by the authority
27 under Paragraph (B)(1) of this Section for reasons of domestic ~~abuse~~ violence, as
28 defined in R.S. 9:1061, dating violence, ~~or family violence~~ as defined in R.S. 9:1062,
29 committed against the head of household, a member of household, or a resident. The

1 local housing authority may terminate the tenancy of or any other assistance
2 provided to the perpetrator of the domestic ~~abuse~~, violence or dating violence, ~~or~~
3 ~~family violence~~.

4 (2) For purposes of Paragraph (B)(1) of this Section, no person may be
5 considered a guest or invitee of a member of a household without the consent of the
6 head of household or a member of household. Consent is automatically withdrawn
7 when a guest or invitee ~~is a perpetrator of an act of domestic abuse~~ commits
8 domestic violence, as defined in R.S. 9:1061, or dating violence, as defined in R.S.
9 9:1062 ~~or family violence~~.

10 * * *

11 §1379.3.2. Temporary concealed handgun permit; protective order; time limitations

12 A. A person on whose behalf the court has issued a permanent injunction or
13 a protective order to bring about the cessation of ~~abuse~~ domestic abuse by one family
14 member; or household member; or to bring about the cessation of dating violence by
15 a dating partner pursuant to a court-approved consent agreement or pursuant to the
16 provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's
17 Code Article 1570, Code of Civil Procedure Article 3607.1, or Code of Criminal
18 Procedure Articles 30, 320, or 871.1 and which prohibits the subject of the order
19 from possessing a firearm for the duration of the injunction or protective order
20 pursuant to the provisions of R.S. 46:2136.3 may apply to the deputy secretary of
21 public safety services of the Department of Public Safety and Corrections for the
22 issuance of a temporary concealed handgun permit.

23 * * *

24 Section 16. R.S. 44:3(J)(3) is hereby amended and reenacted to read as follows:

25 §3. Records of prosecutive, investigative, and law enforcement agencies and
26 communications districts

27 * * *

28 J.

29 * * *

1 (d) Any offense against the person as defined in the Criminal Code
2 committed against a family member or household member as defined in ~~R.S.~~
3 ~~46:2132~~ R.S. 9:1061 or dating partner as defined in ~~R.S. 46:2151(B)~~ R.S. 9:1062.

4 * * *

5 §1846. Communication between offender and victim prohibited; exceptions

6 A. A person who has been charged by bill of information or indictment with
7 any crime of violence as defined in R.S. 14:2 committed upon any person, any felony
8 sex offense as defined in R.S. 46:1844(W) committed upon any person, any felony
9 human trafficking-related offense as defined in R.S. 46:1844(W) committed upon
10 any person, or any offense, that is a felony, committed upon a family member; or
11 household member, as defined by R.S. 9:1061, or committed upon a dating partner,
12 as ~~those terms are~~ defined by ~~R.S. 46:2132~~ R.S. 9:1062, or any immediate family
13 member of such person, shall be prohibited from communicating, either by electronic
14 communication, in writing, or orally, with a victim of the offense, or any of his
15 immediate family members for which the person has been charged or for which
16 disposition of the case is pending.

17 * * *

18 C. A person who has been sentenced or found not guilty by reason of
19 insanity for a crime of violence as defined in R.S. 14:2 committed upon any person,
20 any felony sex offense as defined in R.S. 46:1844(W) committed upon any person,
21 any felony human trafficking-related offense as defined in R.S. 46:1844(W)
22 committed upon any person, or any offense; that is a felony; committed upon a
23 family member, household member, or dating partner, ~~as those terms are defined by~~
24 ~~R.S. 46:2132~~, or any immediate family member of such person, shall be prohibited
25 from communicating, either by electronic communication, in writing, or orally, with
26 a victim of the offense, or any of his immediate family members, for which the
27 person has been sentenced unless the victim or his immediate family members
28 initiate the communication through the Department of Public Safety and Corrections,
29 and it is agreed that the victim and the offender participate in a formally defined

1 restorative justice program administered through the department. Any sentencing
2 order issued pursuant to this Subsection shall be reflected in the sentencing minutes
3 of the issuing court. The issuing court shall notify the Department of Public Safety
4 and Corrections of the issuance of the sentencing order.

5 * * *

6 §1861. Family justice centers

7 A.(1) A family justice center may be established in any judicial district to
8 provide support, services, and assistance to victims of the following types of
9 offenses:

10 (a) Domestic violence and domestic abuse as defined by ~~R.S. 46:2132(3)~~ in
11 R.S. 9:1061 and dating violence as defined in ~~R.S. 46:2151(C)~~ R.S. 9:1062.

12 * * *

13 §2131. Purposes

14 A. The purpose of this Part is to recognize and address the complex legal and
15 social problems created by domestic violence. The legislature finds that existing
16 laws which regulate the dissolution of marriage do not adequately address problems
17 of protecting and assisting the victims of domestic abuse. The legislature further
18 finds that previous societal attitudes have been reflected in the policies and practices
19 of law enforcement agencies and prosecutors which have resulted in different
20 treatment of crimes occurring between family members, household members, or
21 dating partners and those occurring between strangers. It is the intent of the
22 legislature to provide a civil remedy for domestic violence which will afford the
23 victim immediate and easily accessible protection. Furthermore, it is the intent of
24 the legislature that the official response of law enforcement agencies to cases of
25 domestic violence shall stress the enforcement of laws to protect the victim and shall
26 communicate the attitude that violent behavior is not excused or tolerated.

27 B. This part may be cited as the "Domestic Abuse Assistance Act".

28 §2132. Definitions

29 As used in this Part:

1 (1) "Adult" means any person eighteen years of age or older, or any person
2 under the age of eighteen who has been emancipated by marriage or otherwise.

3 (2) "Court" shall mean any court of competent jurisdiction in the state of
4 Louisiana.

5 (3) "Domestic abuse" ~~includes but is not limited to physical or sexual abuse~~
6 ~~and any offense against the person, physical or non-physical, as defined in the~~
7 ~~Criminal Code of Louisiana, except negligent injury and defamation, committed by~~
8 ~~one family member, household member, or dating partner against another.~~
9 "Domestic abuse" also includes abuse of adults as defined in R.S. 15:1503 when
10 committed by an adult child or adult grandchild. shall have the same meaning as
11 provided in R.S. 9:1061.

12 (4) "Domestic violence" shall have the same meaning as provided in R.S.
13 9:1061.

14 (5) "Dating partner" shall have the same meaning as provided in R.S. 9:1062.

15 ~~(4)(6) "Family members" means spouses, former spouses, parents and~~
16 ~~children, stepparents, stepchildren, foster parents, foster children, other ascendants,~~
17 ~~and other descendants. "Family member" also means the other parent or foster~~
18 ~~parent of any child or foster child of the offender~~ shall have the same meaning as
19 provided in R.S. 9:1061.

20 ~~(7) "Household members" means any person presently or formerly living in~~
21 ~~the same residence with the defendant and who is involved or has been involved in~~
22 ~~a sexual or intimate relationship with the defendant, or any child presently or~~
23 ~~formerly living in the same residence with the defendant, or any child of the~~
24 ~~defendant regardless of where the child resides. "Dating partner" means any person~~
25 ~~protected from violence under R.S. 46:2151. If a parent or grandparent is being~~
26 ~~abused by an adult child, adult foster child, or adult grandchild, the provisions of this~~
27 ~~Part shall apply to any proceeding brought in district court~~ shall have the same
28 meaning as provided in R.S. 9:1061.

1 §2133. Jurisdiction; venue; standing

2 * * *

3 B. Venue lies:

4 * * *

5 (3) In the parish where the domestic violence, domestic abuse, or dating
6 violence is alleged to have been committed.

7 * * *

8 D. An adult may seek relief under this Part by filing a petition with the court
9 alleging domestic violence, domestic abuse, or dating violence by the defendant.
10 Any parent, adult household member, or district attorney may seek relief on behalf
11 of any minor child or any person alleged to be incompetent by filing a petition with
12 the court alleging domestic abuse by the defendant. A petitioner's right to relief
13 under this Part shall not be affected by leaving the residence or household to avoid
14 further abuse.

15 §2134. Petition

16 A. A petition filed under the provisions of this Part shall contain the
17 following:

18 (1) The name of each petitioner and each person on whose behalf the petition
19 is filed, and the name, address, and parish of residence of each individual alleged to
20 have committed domestic violence, domestic abuse, or dating violence, if known; if
21 the petition is being filed on behalf of a child or person alleged to be incompetent,
22 the relationship between that person and the petitioner.

23 (2) The facts and circumstances concerning the alleged domestic abuse.

24 (3) The relationship between each petitioner and each individual alleged to
25 have committed domestic abuse.

26 * * *

27 C. If the petition requests a protective order for a spouse and alleges that the
28 other spouse has committed domestic violence or domestic abuse, the petition shall
29 state whether a suit for divorce is pending.

30 * * *

1 §2135. Temporary restraining order

2 A. Upon good cause shown in an ex parte proceeding, the court may enter
3 a temporary restraining order, without bond, as it deems necessary to protect from
4 abuse the petitioner, any minor children, or any person alleged to be an incompetent.
5 ~~Any person who shows immediate and present danger of~~ A showing of domestic
6 violence, domestic abuse, or dating violence shall constitute good cause for purposes
7 of this Subsection. The court shall consider any and all past history of domestic
8 violence, domestic abuse, or dating violence, or threats thereof, in determining the
9 existence of an immediate and present danger of abuse. There is no requirement that
10 the abuse itself be recent, immediate, or present. The order may include but is not
11 limited to the following:

12 * * *

13 B. If a temporary restraining order is granted without notice, the matter shall
14 be set within twenty-one days for a rule to show cause why the protective order
15 should not be issued, at which time the petitioner ~~must~~ shall prove the allegations of
16 domestic violence, domestic abuse, or dating abuse by a preponderance of the
17 evidence. The defendant shall be given notice of the temporary restraining order and
18 the hearing on the rule to show cause by service of process as required by law within
19 twenty-four hours ~~of~~ after the issuance of the order.

20 * * *

21 D. If no temporary restraining order has been granted, the court shall issue
22 a rule to show cause why the protective order should not be issued, and set the rule
23 for hearing on the earliest day that the business of the court will permit, but in any
24 case within ten days from the date of service of the petition, at which time the
25 petitioner ~~must~~ shall prove the allegations of domestic violence, domestic abuse, or
26 dating violence or dating abuse by a preponderance of the evidence. The defendant
27 shall be given notice by service of process as required by law.

28 * * *

1 §2136. Protective orders; content; modification; service

2 A. The court may grant any protective order or approve any consent
3 agreement to bring about a cessation of domestic violence, domestic abuse, or dating
4 violence ~~as defined in R.S. 46:2132, or the threat or danger thereof, to a party, any~~
5 ~~minor children, or any person alleged to be incompetent~~, which relief may include
6 but is not limited to:

7 * * *

8 §2136.1. Costs paid by abuser

9 A. All court costs, attorney fees, costs of enforcement and modification
10 proceedings, costs of appeal, evaluation fees, and expert witness fees incurred in
11 maintaining or defending any proceeding concerning domestic abuse assistance in
12 accordance with the provisions of this Part shall be paid by the perpetrator of the
13 domestic violence, domestic abuse, or dating violence, including all costs of medical
14 and psychological care for the ~~abused adult~~ victim, or for any of the children,
15 necessitated by the domestic violence, domestic abuse, or dating violence.

16 B. However, if the court denies the petition and determines that the petition
17 was frivolous, or filed in bad faith for harassment purposes, or solely to gain an
18 unfair advantage in a divorce or custody case, the court may order the nonprevailing
19 party to pay all court costs and reasonable attorney fees of the other party.

20 §2136.2. Louisiana Protective Order Registry

21 A. In order to provide a statewide registry for abuse prevention orders to
22 prevent domestic violence, domestic abuse, dating violence, stalking, and sexual
23 assault and to aid law enforcement, prosecutors, and the courts in handling such
24 matters, there shall be created a Louisiana Protective Order Registry administered
25 by the judicial administrator's office, Louisiana Supreme Court. The judicial
26 administrator's office shall collect the data transmitted to it from the courts, law
27 enforcement, and private process servers of the state and enter it into the Louisiana
28 Protective Order Registry as expeditiously as possible.

1 possessing a firearm pursuant to the provisions of 18 U.S.C. 922(g)(8) and this
2 Section.

3 (3) The permanent injunction or protective order was issued after a consent
4 agreement between the parties or after reasonable notice and opportunity to be heard
5 was given to the person against whom the order was sought sufficient to protect that
6 person's right to due process.

7 (4) The court issues written reasons for ruling within fifteen days of the
8 court's ruling.

9 * * *

10 §2138. Assistance; clerk of court; domestic abuse advocate

11 * * *

12 C. For purposes of this Section, "domestic abuse advocate" means an
13 employee or representative of a community based shelter providing services to
14 victims of ~~family violence~~ or domestic abuse.

15 * * *

16 §2140. Law enforcement officers; duties

17 A. If a law enforcement officer has reason to believe that ~~a family or~~
18 ~~household member or dating partner has been abused~~ domestic violence has occurred
19 and the abusing party is in violation of a temporary restraining order, a preliminary
20 or permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq.,
21 R.S. 9:372, R.S. 46:2131 et seq., ~~R.S. 46:2151~~, R.S. 46:2171 et seq., Children's Code
22 Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of
23 Criminal Procedure Articles 30, 320, 327.1, 335.1, 335.2; and 871.1, the officer shall
24 immediately arrest the abusing party.

25 B. If a law enforcement officer has reason to believe that ~~a family or~~
26 ~~household member or dating partner has been abused~~ domestic violence has
27 occurred, and the abusing party is not in violation of a temporary restraining order,

1 a preliminary or permanent injunction, or a protective order, the officer shall
2 immediately use all reasonable means to prevent further abuse, including:

3 * * *

4 (4) Notifying the abused person of his right to initiate criminal or civil
5 proceedings; the availability of the protective order, R.S. 46:2136; and the
6 availability of community assistance for domestic ~~violence~~ abuse victims.

7 C.(1) When a law enforcement officer receives conflicting accounts of
8 domestic ~~abuse~~ violence or dating violence, the officer shall evaluate each account
9 separately to determine if one party was the predominant aggressor.

10 (2) In determining if one party is the predominant aggressor, the law
11 enforcement officer may consider any other relevant factors, but shall consider the
12 following factors based upon ~~his or her~~ observation:

13 * * *

14 (e) Prior complaints of domestic abuse ~~or dating violence~~, if that history can
15 be reasonably ascertained by the officer.

16 * * *

17 (g) The existence of a temporary restraining order, a preliminary or
18 permanent injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S.
19 9:372, R.S. 46:2131 et seq., ~~R.S. 46:2151~~, R.S. 46:2171 et seq., Children's Code
20 Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of
21 Criminal Procedure Articles 30, 320, ~~327.1, 335.1, 335.2~~, and 871.1. The officer
22 shall presume that the predominant aggressor is the person against whom the order
23 was issued.

24 (3)

25 * * *

26 (b) If the officer determines that one person was the predominant aggressor
27 in a misdemeanor offense, the officer shall arrest the predominant aggressor if there
28 is reason to believe that there is impending danger or if the predominant aggressor
29 is in violation of a temporary restraining order, a preliminary or permanent

1 injunction, or a protective order issued pursuant to R.S. 9:361 et seq., R.S. 9:372,
 2 R.S. 46:2131 et seq., ~~R.S. 46:2151~~, R.S. 46:2171 et seq., Children's Code Article
 3 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal
 4 Procedure Articles 30, 320, ~~327.1, 335.1, 335.2~~, and 871.1. If there is no threat of
 5 impending danger or no violation of a temporary restraining order, a preliminary or
 6 permanent injunction, or a protective order, the officer may arrest the predominant
 7 aggressor at the officer's discretion, whether or not the offense occurred in the
 8 presence of the officer. An arrest pursuant to the provisions of this Subparagraph
 9 shall be subject to the laws governing arrest, including the need for probable cause
 10 as otherwise provided by law. The exceptions provided for in this Section shall
 11 apply.

* * *

12 §2141. Reporting

13 Whenever a law enforcement officer investigates an allegation of domestic
 14 ~~abuse~~ violence, whether or not an arrest is made, the officer shall make a written
 15 report of the alleged incident, including a statement of the complainant, and the
 16 disposition of the case.

* * *

17 §2151. Dating violence

* * *

18 B. For purposes of this Section, "dating partner" ~~means any person who is~~
 19 ~~involved or has been involved in a sexual or intimate relationship with the offender~~
 20 ~~characterized by the expectation of affectionate involvement independent of financial~~
 21 ~~considerations, regardless of whether the person presently lives or formerly lived in~~
 22 ~~the same residence with the offender. "Dating partner" shall not include a casual~~
 23 ~~relationship or ordinary association between persons in a business or social context~~
 24 ~~shall have the same meaning as provided in R.S. 9:1062.~~

25 C. For purposes of this Section, "dating violence" ~~includes but is not limited~~
 26 ~~to physical or sexual abuse and any offense against the person as defined in the~~
 27

1 ~~Criminal Code of Louisiana, except negligent injury and defamation, committed by~~
2 ~~one dating partner against the other~~ shall have the same meaning as provided in R.S.
3 9:1062.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1026 Original

2022 Regular Session

Amedee

Abstract: Provides for civil definitions of "domestic abuse", "domestic violence", "household member", "family member", "dating partner", and "dating violence" for use throughout La. codes and statutes.

Proposed law (C.C. 86.1 and 162(A)) provides for the public policy of the state.

Present law provides over 50 piecemeal provisions of law relative to domestic violence and family violence.

Proposed law (R.S. 9:1061) provides a consistent and comprehensive definition of "domestic abuse" through all areas of civil law which includes a non-physical offense that is defined as a criminal offense by the Criminal Code, except for defamation, regardless of whether a person was prosecuted when the non-physical offense is committed against a spouse, other family member, or a household member.

Proposed law (R.S. 9:1061) provides a consistent and comprehensive definition of "domestic violence" through all areas of civil law which includes physical or sexual abuse and any offense against the person, defined as a crime of violence, regardless of whether the perpetrator was prosecuted but such a finding must be by clear and convincing evidence if he has not been prosecuted for the criminal act. "Domestic violence" shall not mean those reasonable acts of self-defense utilized by one parent to protect himself or herself or a child in the family from the family violence of the other parent. "Domestic violence" applies when the crime of violence is committed against a spouse, other family member, or household member.

Proposed law (R.S. 9:1061) provides a consistent and comprehensive definition of "family members" to include spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, foster children, other ascendants, and other descendants. The term "family member" shall include the defendant's child regardless of where the child resides.

Proposed law (R.S. 9:1061) provides a consistent and comprehensive definition of "household members" to include a person presently or formerly living in the same residence with the defendant and who is involved or has been involved in a sexual or intimate relationship with the defendant. The term also includes a child presently or formerly living in the same residence with the defendant other than the child of the defendant.

Proposed law (R.S. 9:1062) defines "dating partner" as any person who is involved or has been involved in a sexual or intimate relationship with the perpetrator characterized by the expectation of affectionate involvement independent of financial considerations, who does not presently live with or did not formerly live with the defendant in the same residence. "Dating partner" shall not include a casual relationship or ordinary association between persons in a business or social context.

Proposed law (R.S. 9:1062) defines "dating violence" as physical or sexual abuse and any offense against the person, defined as a crime of violence, regardless of whether the perpetrator was prosecuted.

Present law (C.C. Art. 103) provides for the granting of a divorce upon proof of physical or sexual abuse of a spouse or child of the spouse.

Proposed law provides for the granting of a divorce upon proof of domestic violence.

Present law (C.C. Art. 112) requires the court to consider the existence, effect, and duration of domestic abuse when the other spouse physically or sexually abused the claimant spouse (C.C. Art. 103) who is in need and qualifies for spousal support, formerly referred to as "alimony". Present law also provides that a court may order spousal support to a claimant spouse, who is free from fault, if the divorce court judge accepts the findings of physical or sexual abuse issued by the judge who heard a case regarding a protective order against domestic abuse. (C.C. Art. 103 and R.S. 46:2133(E)) Present law provides that a finding that physical or sexual abuse occurred during a marriage can increase the limit on spousal support beyond the normal limit of the one-third maximum amount that a payor spouse would be required to pay from his income.

Proposed law retains present law updates the term to "domestic violence".

Present law provides for the form of a petition and for the form, registry, and security for a temporary restraining order or preliminary injunction involving domestic violence, domestic abuse, and dating violence.

Proposed law retains present law and updates cross-references and terminology.

Present law (C.C. Art. 104) provides that reconciliation by married spouses ends a petition of divorce.

Proposed law provides that all ancillary matters related to divorce are also extinguished by reconciliation of the parties.

Present law (C.C. Art. 112) provides that when a spouse is awarded a judgment of divorce and the court determines the party or a child was the victim of domestic abuse committed by the other party during the marriage, the spouse is presumed to be entitled to final periodic support, which may exceed one-third of the obligor's net income.

Proposed law instead require the court find the party or child was the victim of domestic violence and the claimant spouse meet criteria set forth in present law and has not committed an act of domestic violence. Further conditions an award exceeding one-third of the obligor's net income on the party meeting the criteria set forth in present law and not committing an act of domestic violence.

Present law (C.C. Art. 136) provides factors for determining the best interest of the child.

Proposed law adds as a factor the potential for the child to be a victim of domestic violence.

Proposed law (C.C. Art. 162) provides for instances in which an allegation of domestic violence or domestic abuse is alleged in any action of divorce or any ancillary proceeding and requires the court to take certain actions under certain circumstances.

Present law (C.C. Art. 2315.8) provides for liability for damages caused by violence.

Proposed law retains present law and updates terminology.

Present law (C.C. Art. 2362.1) provides for the payment of attorney fees and costs by a perpetrator of abuse.

Proposed law retains present law and updates terminology.

Present law (C.C.P. Art. 891) provides for the form of a petition involving domestic violence.

Proposed law retains present law and updates terminology.

Present law (C.C.P. Arts. 3603.1, 3604, 3607.1, 3610) provides for procedural requirements regarding protective orders and restraining orders.

Proposed law retains present law and updates terminology and cross-references.

Present law (C.C.P. Art. 3945) provides for incidental orders of temporary child custody.

Proposed law retains present law and updates terminology.

Present law (Ch.C. Art. 652) provides for discovery.

Proposed law retains present law and updates terminology and cross-references.

Present law (Ch.C. Arts. 1564-1573) provides, through the Domestic Abuse Assistance Act, a civil remedy in the juvenile courts for domestic abuse in homes where children reside.

Present law further provides for definitions, venue, form of the petition, temporary restraining orders and protective orders, costs, and law enforcement duties.

Proposed law provides a cross-reference to the definition of "domestic abuse" and "domestic violence" and updates corresponding terminology depending on whether present law indicates that physical abuse or sexual abuse are prerequisites for certain acts.

Present law (C.E. Art. 412.5) provides for the admissibility of evidence of similar crimes, wrongs, or acts in civil cases in domestic abuse cases.

Proposed law retains present law and updates cross-references and terminology.

Present law (R.S. 46:2136.3(A)) requires a hearing and notice to be given to prohibit a person against whom a permanent injunction or a protective order has been issued from possessing a firearm or carrying a concealed weapon while under an injunction or protective order. Present law (C.Cr.P. Arts. 313, 320, 893, 895, 899.2, 900, 1001, and 1002) provides for bail, suspension of sentence, probation, and the transfer of firearms in domestic violence cases.

Proposed law retains present law relative to due process and provides a cross-reference to the definition of "domestic violence", and updates corresponding terminology and cross-references. Proposed law provides a cross-reference to present law provisions regarding grounds for the issuance of a permanent injunction or protective order.

Present law (R.S. 9:314) permits a court to assess attorney fees and court costs against a person who commits domestic abuse.

Proposed law retains present law and updates cross-references and terminology and provides that, if both parties engaged in domestic violence or domestic abuse, the court may assess attorney fees and court costs in an equitable manner between the parties.

Present law (R.S. 9:361 et seq.) provides for the Post-Separation Family Violence Relief Act.

Proposed law maintains present law but updates terminology and cross-references.

Present law (R.S. 9:3261.1) provides that a lease agreement on a house or apartment be terminated without penalty or loss of deposits if the lessee has been a victim of physical violence, in the form of domestic abuse battery.

Proposed law retains present law and updates cross-references and terminology.

Present law (R.S. 13:621.21, 621.11, 721, 1802, 1819, 1821, 1830, 1852, 1856, 1857, 1858, 1859, 2106, and 5304) makes various provisions related to the operation and procedure of courts.

Proposed law retains present law and updates cross-references and terminology.

Present law (R.S. 14:79) provides for the violation of protective orders.

Proposed law retains present law and updates cross-references.

Present law (R.S. 15:257.1, 574.7, 574.9, and 587.8) provides for criminal procedure.

Proposed law retains present law and updates cross-references and terminology.

Present law (R.S. 17:7.2) establishes qualifications and requirements for teacher education programs to include domestic violence.

Proposed law retains present law and adds dating violence to the requirements for teacher education.

Present law (R.S. 22:1063 and 1078) prohibits insurance discrimination against certain persons including domestic victims of abuse involving violent acts.

Proposed law retains present law and updates cross-references and terminology.

Present law (R.S. 33:9701) provides for access to emergency services for victims of domestic abuse and other crimes.

Proposed law retains present law and updates cross-references and terminology.

Present law (R.S. 39:1619) provides for social service contracts regarding protection for adults and children.

Proposed law retains present law and updates terminology.

Present law (R.S. 40:506) provides for the termination of tenancy by a local housing authority.

Proposed law retains present law and updates cross-references and terminology.

Present law (R.S. 40:1379.3.2) provides for temporary concealed handgun permits for persons subject to a protective order.

Proposed law retains present law and updates terminology.

Present law (R.S. 44:3) provides for the disclosure of information in the records of law enforcement agencies.

Proposed law retains present law and updates cross-references.

Present law (R.S. 46:52.1, 1842, 1846, 1846, and 1861) provides for certain programs administered by the Dept. of Children and Family Services, rights of victims and witnesses of crime, and family justice centers.

Proposed law retains present law and updates terminology and cross-references.

Present law (R.S. 46:2131-2143) provides for the Domestic Abuse Assistance Act.

Proposed law retains present law and updates terminology and cross-references.

(Amends C.C. Arts. 103(4) and (5), 104, 112(B)(9), (C) and (D), 2315.8(A) and 2362.1(B), C.C.P. Arts. 891(B), 3603.1(A) and (C), 3604(C)(1), 3607.1, 3610, and 3945(G), Ch.C. Arts. 652(E)(2), 1564, 1565, 1566(C), 1567(A)(3) and (B), 1568(A)(1), (3), and (4), and (C), 1569(A)(intro. para.), (B), and (D), 1570(A)(intro. para.) and (5)(a) and (I), and 1573(intro. para.) and (4), C.E. Art. 412.5(A), C.Cr.P. Arts. 313(A)(2), 320(G)(1), 893(A)(2), 895(M)(1), 899.2(D)(5) and (6), 900(A)(6)(d)(iii), 1001(1), (2), and (4), 1002(A)(2), R.S. 9:314, 361, 362(1), (3)(intro. para.) and (a), and (4), 364(A),(D),(E), and (F), 365, 366(A), 367, 369, 372(A) and (C), 3261.1(B), (C), (D), (E), (F)(2) and (3), (G), (H), (I), and (K), and 4103(B)(1), R.S. 13:621.21(B)(2) and (C)(2), 621.22 (B)(3), 721(E)(2)(l), 1802(4), 1819(B)(1), 1821(A)(2), 1830(B)(3), 1852(4), 1856(4) and (5), 1857(A)(4), 1858(B), 1859(D), 2106(B), and 5304(B)(10)(intro. para.) and (b), R.S. 14:79(E), R.S. 15:257.1(C)(1)(c), 574.7(C)(2)(a)(x) and (4)(e) and (f), 574.9(H)(2)(c), 587.8(A) and (B)(3)(intro. para.), (b), and (d) and (7), R.S. 17:7.2(A)(6), R.S. 22:1063(A)(1)(g) and 1078(A), R.S. 33:9701(C)(2), R.S. 37:2554(B)(2)(b), R.S. 39:1619(A)(3)(intro. para.), (a), (f), and (g), R.S. 40:506(D) and 1379.3.2(A), R.S. 44:3(J)(3), and R.S. 46:52.1(F)(3)(a)(v), 1842(15)(d), 1846(A) and (C), 1861(A)(1)(a), 2131, 2132, 2133(B)(3) and (D), 2134(A)(1), (2), and (3) and (C), 2135(A)(intro. para.), (B), and (D), 2136(A)(intro. para.), 2136.1, 2136.2(A) and (B), 2136.3(A), 2138(C), 2140(A), (B)(intro. para.) and (4), and (C)(1), (2)(intro. para.) and (g), and (3)(b), 2141, and 2151(B) and (C); Adds C.C. Arts. 86.1, 136(D)(6), and 162, Ch.C. Art. 1569(J), and R.S. 9:1061 and 1062)