

QUICK REFERENCE: Louisiana’s Criminal Domestic Abuse, Dating Violence, Stalking and Sexual Assault Law and LPOR forms (v.12)

Statute #/Name CRIMINAL ORDERS OF PROTECTION	Eligibility Who can request?	Court	Venue Where to request	Relief available	Duration	Penalties for violation
La. R.S. 46:1846 Communication between offender and victim prohibited	- when defendant is charged by bill of information or indictment or is sentenced for a crime of violence or a felony offense committed against a family member, household member, or dating partner or an immediate family member, the court is <u>required</u> to issue	District Court	where criminal action is pending	<ul style="list-style-type: none"> ➤ prohibit communication with victim and victim’s “immediate family members”; this condition does not apply if the victim consents through the local prosecuting agency or the victim or immediate family members initiate the communication through the Department of Public Safety and Corrections, and the victim and offender participate in a formally defined restorative justice program administered through the department ➤ firearms prohibition (see LPOR Firearms Prohibition Guide) 	discretion of the court, Dept. of Corrections	<ul style="list-style-type: none"> ➤ forfeiture of bail ➤ issuance of bench warrant ➤ arrest pursuant to R.S. 14:79
La. C. Cr. Proc. Art. 320 (G) and (H) Conditions of bail undertaking	<p>- when defendant is charged with an offense against a family or household member (as in R.S. 46:2132[4]) or dating partner (R.S. 46:2151) or is charged with domestic abuse battery (R.S. 14:35.3), stalking (R.S. 14:40.2), sexual assault (as defined in R.S. 46:2184) or first degree rape (R.S. 14:42) AND court determines defendant poses a threat or danger to victim, the court is <u>required</u> to issue</p> <p>- victim, DA or prosecutor can request</p>	City Court District Court	where criminal action is pending	<ul style="list-style-type: none"> ➤ prohibit contact, communication or physical proximity to victim ➤ prohibit defendant from going to victim’s residence, school, employment ➤ electronic monitoring of defendant ➤ firearms prohibition (see LPOR Firearms Prohibition Guide) ➤ court may prohibit communication with victim or victim’s immediate family members, while the case is pending; this condition does not apply if the victim consents in person or through the local prosecuting agency 	discretion of the court can be modified	<ul style="list-style-type: none"> ➤ forfeiture of bail ➤ issuance of bench warrant ➤ arrest pursuant to R.S. 14:79
La. C. Cr. Proc. Art. 895 Conditions of probation AND La. C. Cr. Proc. Art. 871.1 Sentencing Orders	<p>- court can grant on its own motion when defendant has been convicted of an offense against a family or household member (as in R.S. 46:2132[4]) or dating partner (R.S. 46:2151), stalking (R.S. 14:40.2) or sexual assault (as defined in R.S. 46:2184</p> <p>-victim, probation officer, DA or prosecutor can request</p>	City Court District Court	where criminal action is pending	<ul style="list-style-type: none"> ➤ prohibit contact, communication or physical proximity to victim ➤ prohibit defendant from going to victim’s residence, school, employment ➤ if domestic/dating violence, defendant shall be ordered to complete court-monitored domestic abuse intervention or counseling program ➤ if sex offense, shall be ordered to complete sex offender treatment program ➤ if stalking, psychiatric evaluation, court-approved counseling ➤ restitution ➤ electronic monitoring of defendant ➤ firearms prohibition (see LPOR Firearms Prohibition Guide) 	all or part of probationary period if pursuant to R.S. 14:40.2 - up to 18 months or non-expiring	<ul style="list-style-type: none"> ➤ revocation of probation ➤ modify conditions of probation ➤ arrest pursuant to R.S. 14:79
LPOR FORMS: Order for bail restriction, sentencing orders, probation conditions Firearms Information and Firearms Declaration of Non-Possession Modify or dissolve an LPOR 17		LPOR 17 LPOR G LPOR 18			can be modified	