

Regular Session, 2010

HOUSE BILL NO. 1145

BY REPRESENTATIVE LANDRY

FAMILY VIOLENCE: Provides for the application of the Post-Separation Family Violence Relief Act to certain additional persons

1 AN ACT

2 To amend and reenact R.S. 9:362(3), relative to family violence; to provide for the
3 application of the Post-Separation Family Violence Relief Act to stepparents and
4 dating partners; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:362(3) is hereby amended and reenacted to read as follows:

7 §362. Definitions

8 As used in this Part:

9 * * *

10 (3) "Family violence" includes but is not limited to physical or sexual abuse
11 and any offense against the person as defined in the Criminal Code of Louisiana,
12 except negligent injuring and defamation, committed by one parent against the other
13 parent, a stepparent, or a dating partner as defined in R.S. 46:2151, or against any of
14 the children. Family violence does not include reasonable acts of self-defense
15 utilized by one parent to protect himself or herself or a child in the family from the
16 family violence of the other parent.

17 * * *

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)]

Landry

HB No. 1145

Abstract: Expands the application of the Post-Separation Family Violence Relief Act to stepparents and dating partners.

Present law defines "family violence" to include physical or sexual abuse and any offense against the person, except negligent injuring and defamation, committed by one parent against the other parent or against any of the children.

Proposed law retains present law and expands the definition to include violence committed by one parent against a stepparent or dating partner.

Present law (R.S. 46:2151) defines "dating partner" in part as any person who is or has been in a social relationship of a romantic or intimate nature with another person and requires the court to consider the length and type of the relationship and the frequency of interaction between the persons involved.

(Amends R.S. 9:362(3))