

2018 Regular Session

HOUSE BILL NO. 813

BY REPRESENTATIVE GARY CARTER

FAMILY VIOLENCE: Provides relative to actions filed under the Protection from Stalking Act

1 AN ACT

2 To amend and reenact R.S. 13:2493(F) and R.S. 46:2171.1, relative to the jurisdiction of
3 suits filed pursuant to the Protection from Stalking Act; to provide for a court of
4 competent jurisdiction; to provide for the jurisdiction of municipal and traffic court;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:2493(F) is hereby amended and reenacted to read as follows:

8 §2493. Jurisdiction

9 * * *

10 F. The jurisdiction of the court shall extend to the granting of an injunction,
11 preliminary injunction, or temporary restraining order pursuant to the provisions of
12 Code of Civil Procedure Articles 3601 through 3613, when irreparable injury, loss,
13 or damage may otherwise result to any person over whom the court has jurisdiction
14 pursuant to this Section or as provided by law; however, the court shall not have the
15 authority to grant injunctive relief with respect to any matter provided in Code of
16 Civil Procedure Article 3604(B)(1) and (3) and (C). Additionally, jurisdiction of the
17 court shall extend to proceedings pursuant to Chapter 28-C of Title 46 of the
18 Louisiana Revised Statutes of 1950.

- 1 Section 2. R.S. 46:2171.1 is hereby amended and reenacted to read as follows:
- 2 §2171.1. Jurisdiction
- 3 A. Except as provided in Subsection B of this Section, any Any district court
- 4 in the state of Louisiana which is empowered to hear civil matters shall have
- 5 jurisdiction over proceedings appropriate to it under this Chapter.
- 6 B. If a summons or citation is issued by a law enforcement officer in any
- 7 jurisdiction that has a municipal and traffic court, that court shall have sole
- 8 jurisdiction over proceedings pursuant to this Chapter.
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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 813 Engrossed

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Abstract: Provides for jurisdiction in certain stalking proceedings.

Present law provides that any district court which is empowered to hear civil matters shall have jurisdiction over proceedings seeking protections available in cases dealing with stalking and cyberstalking.

Proposed law retains present law except it provides that in jurisdictions that have a municipal and traffic court, that court shall have sole jurisdiction over proceedings pursuant to the present law Protection from Stalking Act, in the event a law enforcement officer issues a summons or citation.

(Amends R.S. 13:2493(F) and R.S. 46:2171.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Provide municipal and traffic courts with sole jurisdiction over matters pursuant to the Protection from Stalking Act when a law enforcement officer has issued a summons or citation.