Regular Session, 2014

#### HOUSE BILL NO. 338

# <u>enrolled</u> ACT No. 618

	BY REPRESENTATIVE ALFRED WILLIAMS
1	AN ACT
2	To amend and reenact Code of Civil Procedure Articles 3604(C) and 3606, relative to
3	temporary restraining orders; to provide relative to the effectiveness of temporary
4	restraining orders; to extend the effective period of temporary restraining orders
5	when a hearing is continued due to declared states of emergency; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Code of Civil Procedure Articles 3604(C) and 3606 are hereby amended
9	and reenacted to read as follows:
10	Art. 3604. Form, contents, and duration of restraining order
11	* * *
12	C. $(1)$ A temporary restraining order issued in conjunction with a rule to show
13	cause for a protective order filed in an action pursuant to the Protection from Family
14	Violence Act, R.S. 46:2121 et seq., and pursuant to the Protection From Dating
15	Violence Act, R.S. 46:2151, shall remain in force until a hearing is held on the rule
16	for the protective order or for thirty days, whichever occurs first. If the initial rule to
17	show cause is heard by a hearing officer, the temporary restraining order shall remain
18	in force for fifteen days after the hearing or until the judge signs the protective order,
19	whichever occurs last. At any time before the expiration of a temporary restraining
20	order issued pursuant to this Paragraph, it may be extended by the court for a period
21	not exceeding thirty days.
22	(2) In the event that the hearing on the rule for the protective order is
23	continued by the court because of a declared state of emergency made in accordance
24	with R.S. 29:724, any temporary restraining order issued in the matter shall remain
25	in force for five days after the date of conclusion of the state of emergency. When
26	a temporary restraining order remains in force under this Paragraph, the court shall
27	reassign the rule for a protective order for hearing at the earliest possible time, but

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1	no later than five days after the date of conclusion of the state of emergency. The
2	reassignment of the rule shall take precedence over all matters except older matters
3	of the same character.
4	* * *
5	Art. 3606. Temporary restraining order; hearing on preliminary injunction
6	$\underline{A}$ . When a temporary restraining order is granted, the application for a
7	preliminary injunction shall be assigned for hearing at the earliest possible time,
8	subject to Article 3602, and shall take precedence over all matters except older
9	matters of the same character. The party who obtains a temporary restraining order
10	shall proceed with the application for a preliminary injunction when it comes on for
11	hearing. Upon his failure to do so, the court shall dissolve the temporary restraining
12	order.
13	B. In the event that the hearing on the issuance of a preliminary injunction
14	is continued by the court because of a declared state of emergency made in
15	accordance with R.S. 29:724, any temporary restraining order issued in the matter
16	shall remain in force for five days after the conclusion of the state of emergency.
17	When a temporary restraining order remains in force under this Paragraph, the court
18	shall reassign the application for a preliminary injunction for hearing at the earliest
19	possible time, but no later than five days after the conclusion of the state of
20	emergency. The reassignment of the application shall take precedence over all
21	matters except older matters of the same character.

# SPEAKER OF THE HOUSE OF REPRESENTATIVES

## PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

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