

Regular Session, 2013

HOUSE BILL NO. 497

BY REPRESENTATIVE MORENO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/ABUSE: Increases the maximum term of imprisonment for a first and second conviction of domestic abuse battery

1 AN ACT

2 To amend and reenact R.S. 14:35.3(C)(introductory paragraph) and (D)(introductory
3 paragraph), relative to domestic abuse battery; to increase the maximum term of
4 imprisonment for a first and second conviction of domestic abuse battery; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:35.3(C)(introductory paragraph) and (D)(introductory paragraph)
8 are hereby amended and reenacted to read as follows:

9 §35.3. Domestic abuse battery

10 * * *

11 C. On a first conviction, notwithstanding any other provision of law to the
12 contrary, the offender shall be fined not less than three hundred dollars nor more than
13 one thousand dollars and shall be imprisoned for not less than thirty days nor more
14 than ~~six months~~ one year. At least forty-eight hours of the sentence imposed shall
15 be served without benefit of parole, probation, or suspension of sentence. Imposition
16 or execution of the remainder of the sentence shall not be suspended unless either of
17 the following occur:

18 * * *

19 D. On a conviction of a second offense, notwithstanding any other provision
20 of law to the contrary, regardless of whether the second offense occurred before or

1 after the first conviction, the offender shall be fined not less than seven hundred fifty
2 dollars nor more than one thousand dollars and shall be imprisoned for not less than
3 sixty days nor more than ~~six months~~ one year. At least fourteen days of the sentence
4 imposed shall be served without benefit of parole, probation, or suspension of
5 sentence, and the offender shall be required to participate in a court-approved
6 domestic abuse prevention program. Imposition or execution of the remainder of the
7 sentence shall not be suspended unless either of the following occur:

8 * * *

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)]

Moreno

HB No. 497

Abstract: Increases the maximum term of imprisonment for a first and second conviction of domestic abuse battery from six months to one year.

Present law provides for the following penalties for the crime of domestic abuse battery:

- (1) On a first conviction, the offender shall be fined not less than \$300 nor more than \$1,000 and shall be imprisoned for not less than 30 days nor more than six months.
- (2) On a second conviction, the offender shall be fined not less than \$750 nor more than \$1,000 and shall be imprisoned for not less than 60 days nor more than six months.

Proposed law retains present law but increases the maximum term of imprisonment for a first and second conviction from six months to one year.

(Amends R.S. 14:35.3(C)(intro. para.) and (D)(intro. para.))