Order of Protection

☐ **Bail Restrictions/Conditions of Release**
☐ **Probation Conditions**
☐ **Sentencing Order**
☐ **Conditions of Parole**

_____

☐ **Initial Order** ☐ **Modified/Amended Order**

Case/Docket # _____

Arrest/Booking # _____

Item # _____

Court: _____ Div. _____

City/Parish: State

_____ **Louisiana**

Filed: _____ Clerk: _____

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

PROTECTED PERSON

_____
First Middle/Maiden Last

PROTECTED PERSON IDENTIFIERS

_____ _____ ☐ ☐
Date of birth Race Sex: F Sex: M

State of Louisiana **OR** **City of** _____

V.

DEFENDANT NAME AND ADDRESS

_____
First Middle Last

Defendant's Alias: _____

_____
No. & Street Apt. No.

_____
City State Zip Code

DEFENDANT IDENTIFIERS

____ _____ _____ ____ ____
SEX RACE DOB HT WT

____ _____ _____
EYES HAIR SOCIAL SECURITY #

_____ ____ _____
DRIVER'S LICENSE # STATE EXP DATE

THE COURT HEREBY FINDS:
That it has jurisdiction over the parties and subject matter, and the defendant has been or will be provided with reasonable notice and opportunity to be heard. Additional findings of this court are as set forth on the following pages.

THE COURT HEREBY ORDERS:
That the above-named defendant be restrained from committing further acts of abuse or threats of abuse, stalking or sexual assault. Additional terms of this order are as set forth on the following pages.

EXPIRATION: This order shall be effective through 11:59 PM on _____ *(month/day/year)*

ENFORCEMENT:
This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265).

WARNINGS TO DEFENDANT:

Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)). See further notice on pages 5-6 of this Order.

ONLY THE COURT CAN CHANGE THIS ORDER.

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LOUISIANA UNIFORM ABUSE PREVENTION ORDER

CRIMINAL ORDER OF PROTECTION

# of counts	Criminal Charge (Code #)	# of counts	Criminal Charge (Code #)	# of counts	Criminal Charge (Code #)
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

STATE OF LOUISIANA **OR** **CITY OF**_____

V.

DEFENDANT'S NAME: _____

A ☐ **BAIL RESTRICTIONS**

☐ Hearing was held

☐ No hearing was held

B ☐ **SENTENCING ORDERS**

☐ **PROBATION CONDITIONS**

_____

Right to counsel:

☐ Defendant represented by counsel or waived counsel

Right to jury trial:

☐ Not applicable under Louisiana law

☐ Defendant tried by jury or waived jury

☐ **CONDITIONS OF PAROLE**

The protected person(s) is related to the defendant as: *(check all that apply)*

C

☐ 1. current or former spouse
☐ 2. current or former intimate cohabitant
☐ 3. child, stepchild, or foster child
☐ 4. child of defendant's current or former intimate partner
☐ 5. protected person and defendant have a child(ren) in common

D

☐ 1. current or former dating partner
☐ 2. parent, stepparent, or foster parent
☐ 3. Grandparent or other ascendant
☐ 4. Grandchild or other descendant
☐ 5. child currently or formerly living with defendant

E Select ONLY if CHARGE(S) include(s) stalking or sexual assault by stranger or acquaintance:

☐ 1. Stranger / no relationship ☐ 2. Acquaintance

ONLY ORDERS INITIALED BY A JUDGE. MAGISTRATE, OR COMMISSIONER SHALL APPLY

F____ ☐ **THE COURT FINDS THAT THE DEFENDANT REPRESENTS A CREDIBLE THREAT OR DANGER TO THE PHYSICAL SAFETY OF THE PROTECTED PERSON(S), HAS BEEN CHARGED WITH A CRIME AGAINST A FAMILY MEMBER, HOUSEHOLD MEMBER OR DATING PARTNER AND/OR HAS BEEN CHARGED WITH THE CRIME OF BATTERY OF A DATING PARTNER (R.S. 14:34.9), OR OF DOMESTIC ABUSE BATTERY (R.S. 14:35.3), OR OF STALKING (14:40.2), OR OF CYBERSTALKING (R.S. 14:40.3), OR OF VIOLATION OF PROTECTIVE ORDERS (R.S. 14:79), OR OF UNLAWFUL COMMUNICATION (R.S. 14:285), OR OF A SEXUAL ASSAULT (as defined in R.S. 46:2184), OR R.S. 46:1846 APPLIES. THUS, THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO LA. C.CR.P. ARTICLE 313, AND/OR 320(H) AND THE COURT ISSUES THE FOLLOWING ORDERS:**

☐ **WITHOUT A HEARING** ☐ **AFTER A HEARING**

THE DEFENDANT IS HEREBY ORDERED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED; ANY CONCEALED HANDGUN PERMIT IS HEREBY SUSPENDED PURSUANT TO LA. C.CR.P. ARTICLE 1001 ET SEQ. See timeframes and details on page 6 of this Order.

G ___ ☐ THIS ORDER WAS ISSUED AFTER ACTUAL NOTICE AND AN OPPORTUNITY TO PARTICIPATE IN A HEARING WAS PROVIDED TO THE DEFENDANT. THE COURT FINDS THAT THE DEFENDANT REPRESENTS A CREDIBLE THREAT OR DANGER TO THE PHYSICAL SAFETY OF THE PROTECTED PERSON(S), HAS BEEN CHARGED WITH A CRIME AGAINST A FAMILY MEMBER, HOUSEHOLD MEMBER OR DATING PARTNER AND/OR HAS BEEN CHARGED WITH THE CRIME OF BATTERY OF A DATING PARTNER (R.S. 14:34.9), OR OF DOMESTIC ABUSE BATTERY (R.S. 14:35.3), OR OF STALKING (14:40.2), OR OF CYBERSTALKING (R.S. 14:40.3), OR OF VIOLATION OF PROTECTIVE ORDERS (R.S. 14:79), OR OF UNLAWFUL COMMUNICATION (R.S. 14:285), OR OF A SEXUAL ASSAULT (as defined in R.S. 46:2184), OR R.S. 46:1846 APPLIES. THUS, THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO LA. C.CR.P. ARTICLE 313, AND/OR 320(H) AND THE COURT ISSUES THE FOLLOWING ORDERS:

THE DEFENDANT IS HEREBY ORDERED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED; ANY CONCEALED HANDGUN PERMIT IS HEREBY SUSPENDED PURSUANT TO LA. C.CR.P. ARTICLE 1001 ET SEQ. See further timeframes and details on page 6 of this Order.

H ___ ☐ DEFENDANT HAS BEEN CONVICTED OF A CRIME AGAINST A FAMILY MEMBER, HOUSEHOLD MEMBER OR DATING PARTNER AND/OR HAS BEEN CONVICTED OF THE CRIME OF BATTERY OF A DATING PARTNER (R.S. 14:34.9), OR OF DOMESTIC ABUSE BATTERY (R.S. 14:35.3), OR OF STALKING (14:40.2), OR OF CYBERSTALKING (R.S. 14:40.3), OR OF VIOLATION OF PROTECTIVE ORDERS (R.S. 14:79), OR OF UNLAWFUL COMMUNICATION (R.S. 14:285), OR OF A SEXUAL ASSAULT (as defined in R.S. 46:2184), OR R.S. 46:1846 APPLIES.THE COURT FINDS THAT THE DEFENDANT REPRESENTS A CREDIBLE THREAT OR DANGER TO THE PHYSICAL SAFETY OF THE PROTECTED PERSON(S), THUS THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO R.S. 14:95.10 AND/OR 46:2136.3, AND/OR OTHER APPLICABLE LAW, AND THE COURT ISSUES THE FOLLOWING ORDERS:

THE DEFENDANT IS HEREBY ORDERED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED; ANY CONCEALED HANDGUN PERMIT IS HEREBY SUSPENDED PURSUANT TO LA. C.CR.P. ARTICLE 1001 ET SEQ. See timeframes and details on page 6 of this Order.

ONLY ORDERS INITIALED BY A JUDGE, MAGISTRATE, OR COMMISSIONER SHALL APPLY

____ ☐ 1. YOU ARE ORDERED NOT TO abuse, harass, assault, stalk, follow, track, monitor, or threaten the protected person, _____
Name

This prohibition includes the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.

____ ☐ 2. YOU ARE ORDERED NOT TO contact the protected person personally, through a third party, or via public posting, by any means, including written, telephone, or electronic (text, email, messaging, or social media) communication.

____ ☐ 3. YOU ARE ORDERED NOT TO go within _____ *(distance)* of the protected person.

____ ☐ 4. YOU ARE ORDERED NOT TO abuse, harass, assault, stalk, follow, track, monitor, or threaten the child(ren) of the protected person.

____ ☐ 5. YOU ARE ORDERED NOT TO contact the protected person's immediate family* personally, through a third party, or via public posting, by any means, including written, telephone, or electronic (text, email, messaging, or social media) communication. *(*immediate family = spouse, mother, father, aunt, uncle, sibling, or child of the protected person whether related by blood, marriage, or adoption)*

____ ☐ 6. YOU ARE ORDERED NOT TO go within one hundred (100) yards of the residence or household of the protected person.

____ ☐ 7. YOU ARE ORDERED NOT TO go to the protected person's school, or the protected person's place of employment.

____ ☐ 8. THE COURT WILL ALLOW _____ to return to the residence at a date and time to be determined by the protected person and law enforcement agency to recover his/her personal clothing and necessities, provided that s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties.

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____ ☐ 9. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany _____ to the residence located at _____ to recover _____ personal clothing and necessities.

____☐10. YOU ARE ORDERED TO pay the sum of $_____ to the _____ (Family Violence Program) no later than _____ *(date)*.

____☐11. YOU ARE ORDERED TO enroll in a court-monitored domestic abuse intervention program at/with: _____and YOU ARE ORDERED TO successfully complete said program no later than _____ *(date)*.

____☐12. YOU ARE ORDERED TO submit to a court-approved course of counseling or therapy at/with: _____ and YOU ARE ORDERED TO successfully complete said program no later than _____ *(date)*.

____☐ 13. YOU ARE ORDERED TO undergo a psychiatric evaluation at/with: _____ no later than _____ *(date)*.

____☐ 14. YOU ARE ORDERED TO provide restitution to the victim of this crime for the pecuniary loss to said victim and/or for the costs incurred by the victim in connection with the criminal prosecution in the amount of $_____ no later than _____*(date)*.

____☐ 15 YOU ARE ORDERED TO wear an electronic monitoring device and be actively electronically monitored. Electronic monitoring conditions include:

_____

_____

_____

____☐16. Other: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

____ ☐17. **YOU ARE ORDERED TO RETURN TO COURT ON** _____ ***(month/day/year)*** **AT** _____ **O'CLOCK ____M.**

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FULL FAITH AND CREDIT pursuant to 18 U.S.C. § 2265

This Order meets all requirements of the Violence Against Women Act (VAWA)**18 U.S.C. Section 2265**. This court has jurisdiction over the parties and the subject matter under the laws of the State of Louisiana; the defendant was given reasonable notice and an opportunity to be heard sufficient to protect the defendant's right to due process before this order was issued; or if the order was issued ex parte, the court ordered that the defendant be given reasonable notice and an opportunity to be heard within the time required by the laws of the State of Louisiana, and in any event, within a reasonable time after the order was issued, sufficient to protect the defendant's due process rights.

THIS ORDER SHALL BE PRESUMED VALID AND ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES, AND COMMONWEALTHS.

Date of order	**Order effective through 11:59 PM on**	**JUDGE / MAGISTRATE / COMMISSIONER:**
_____ *month/ day /year*	_____ *month/ day /year*	_____ **SIGNATURE** _____ **PRINT OR STAMP NAME**

NOTICE TO DEFENDANT – VIOLATION OF ORDER:

VIOLATION OF THIS ORDER MAY RESULT IN FORFEITURE OF BOND, REVOCATION OF PROBATION OR PAROLE, IMPRISONMENT AND A FINE. A PERSON WHO VIOLATES THIS ORDER MAY BE IMMEDIATELY ARRESTED, JAILED, AND PROSECUTED PURSUANT TO LA. R.S. 14:79 AND/OR 14:95.10, MAY BE FINED UP TO $5,000.00 AND IMPRISONED WITH OR WITHOUT HARD LABOR FOR UP TO FIVE YEARS. A PERSON WHO VIOLATES THIS ORDER MAY BE FURTHER PUNISHED UNDER OTHER CRIMINAL LAWS OF THE STATE OF LOUISIANA.

NOTICE TO DEFENDANT – FIREARM <u>POSSESSION</u>

AS A RESULT OF THIS ORDER, IT MAY BE UNLAWFUL FOR YOU TO POSSESS, RECEIVE, SHIP, TRANSPORT OR PURCHASE A FIREARM, INCLUDING A RIFLE, PISTOL, OR REVOLVER, OR AMMUNITION, FOR THE DURATION OF THIS ORDER OR LONGER, PURSUANT TO STATE AND/OR FEDERAL LAW.

If you have any questions whether these laws make it illegal for you to possess or purchase a firearm or ammunition, consult an attorney.

<u>Federal law: 18 U.S.C. 922 (g)(8)</u> prohibits a defendant from purchasing, possessing, shipping, transporting, or receiving firearms or ammunition* for the **duration** of this **order** if the following conditions apply:

- Victim/protected person(s)' relationship to defendant is checked in Box **C** on page 2 of this order
  AND
- Notice and opportunity for a hearing provided (Box **G** or Box **H** on page 3 of this order)
  AND
- **EITHER** Judicial finding of credible threat (Box **G** or Box **H** on page 3 of this order)
  <u>OR</u> Certain behaviors are prohibited (item 1 on page 3 of this order is initialed)

<u>Federal law: 18 U.S.C. 922 (g)(9)</u> prohibits a defendant from purchasing, possessing, shipping, transporting, or receiving firearms or ammunition* if the following conditions apply:

- Defendant has been **CONVICTED** of a misdemeanor crime of domestic violence**
  AND
- Victim/protected person(s)' relationship to defendant is checked in Box **C** on page 2 of this order **or** Number 1 or Number 4 in Box **D** on page 2 of this order.

*****18 U.S.C. 921: the term "**firearm**" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm. The term "**ammunition**" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.*

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***18 U.S.C. 921: the term "**misdemeanor crime of domestic violence**" means an offense that is a misdemeanor under Federal, State, or Tribal law; and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, by a person similarly situated to a spouse, parent, or guardian of the victim, or by a person who has a current or recent former dating relationship with the victim. In Louisiana, a "misdemeanor crime of domestic violence" may include R.S. 14:35 (simple battery), R.S. 35.3 (domestic abuse battery), R.S. 14:36 (assault), R.S. 14:37 (aggravated assault), R.S. 14:38 (simple assault), R.S. 14:103(A)(1) (disturbing the peace by fistic encounter) and R.S. 14:103(A)(4) (disturbing the peace by engaging in any act in a violent or tumultuous manner by any three or more persons).*

Louisiana law: C.Cr.P. Art. 320(H) prohibits the possession of a firearm***** for the **duration** of this **order** when issued as a bail restriction.

Louisiana law: R.S. 14:95.10 prohibits possession of a firearm***** or carrying of a concealed weapon by a defendant **CONVICTED** of **domestic abuse battery (R.S. 14:35.3), battery of a dating partner if the battery involves strangulation or burning, and second and subsequent convictions of battery of a dating partner (R.S. 14:34.9) –**

IF

- Defendant was represented by counsel in the case **or** knowingly and intelligently waived the right to counsel in the Case (item in Box **B** on page 2 is checked)

AND

- Defendant, if entitled to a trial by jury in the case, was tried by a jury **or** knowingly and intelligently waived the right to be tried by a jury, by guilty plea or otherwise (item in Box **B** on page 2 is checked).

Louisiana law: R.S. 46:2136.3 prohibits the possession of a firearm***** for the **duration** of this **order** if both of the following occur:

- The order includes a finding that the person subject to the order represents a credible threat to the physical safety of the protected person(s) (Box **C or D** on page 3 of this order) and the protected person(s) is a family or household member or dating partner

AND

- The order informs the person subject to the order that the person is prohibited from possessing a firearm pursuant to the provisions of 18 U.S.C. 922(g) (8) and R.S. 46:2136.3.

Louisiana Law: R.S. 46:1846 prohibits the possession of a firearm* for the duration of this order if:

- The defendant has been charged by bill of information/indictment with any felony sex offense as defined in R.S. 46:1844(W) committed against any person or any offense that is a felony committed upon a family member, household member or dating partner.

OR

- The defendant has been sentenced or found not guilty by reason of insanity for any felony sex offense as defined in R.S.46:1844(W) committed upon any person, or any offense that is a felony committed upon a family member, household member, or dating partner.

AND

- The defendant is prohibited from communicating with a person listed above.

Louisiana law: R.S. 14:40.2 (F)(5) (crime of stalking) prohibits the possession of a firearm***** for the **duration** of this **order.**

Louisiana Law: R.S. 15:574.4.2 prohibits the possession of a firearm* for the duration of this order if:the defendant is being paroled and was convicted of any felony sex offense as defined in R.S. 46:1844(W) committed upon any person, or any offense, that is a felony, committed upon a family member, household member, or dating partner, as those terms are defined by R.S. 46:2132.

Under these statutes, "firearm**" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.*

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NOTICE TO DEFENDANT – FIREARM TRANSFER AND SUSPENSION OF CONCEALED HANDGUN PERMIT

AS A RESULT OF THIS ORDER, YOU MAY BE REQUIRED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED BY YOU AND SURRENDER YOUR CONCEALED HANDGUN PERMIT

Louisiana law: C.Cr.P. Art. 1001 et seq. requires the transfer of all firearms owned or possessed and the suspension of a concealed handgun permit:

- When a person is convicted of domestic abuse battery (R.S. 14:35.3), second or subsequent conviction of battery of a dating partner (R.S. 14:34.9), battery of a dating partner that involves strangulation (R.S. 14:34.9(K)), battery of a dating partner when the offense involves burning (R.S. 14:34.9), domestic abuse aggravated assault (R.S. 14:37.7), aggravated assault upon a dating partner (R.S. 14:34.9.1), or any felony crime of violence enumerated or defined in R.S. 14:2(B) for which a person would be prohibited from possessing a firearm pursuant to R.S. 14:95.1 and either has as an element of the crime that the victim was or the victim has been determined to be a family member, household member, or dating partner; possession of a firearm or carrying a concealed weapon by a person convicted of domestic abuse battery and certain offenses of battery of a dating partner (R.S. 14:95.10).

OR

- When a person is subject to a Uniform Abuse Prevention Order issued pursuant to C.Cr.P. Articles 30, 320, or 871.1.

OR

- When a person is subject to a Uniform Abuse Prevention Order that includes terms prohibiting possession of a firearm or carrying a concealed weapon.

Firearms transfer shall occur within 48 hours, exclusive of legal holidays. If firearms are sold or transferred prior to issuance of transfer order, you must provide a proof of transfer form signed by the receiver and a witness, within 10 days.

I have read and fully understand all conditions of this order.

_____ _____

DATE SIGNATURE OF DEFENDANT

NOTICE TO LAW ENFORCEMENT

Pursuant to La. R.S. 14:79 - the crime of violation of protective orders – you shall use every reasonable means to enforce this order. La. Code of Criminal Procedure Article 211 provides that when you have reasonable grounds to believe a person committed the offense of domestic abuse battery, battery of a dating partner, violation of protective orders, stalking, or any other offense involving the use or threatened use of force or a deadly weapon upon the defendant's family member, household member, or dating partner, the officer shall make a CUSTODIAL arrest.

Defendant provided with a copy of this order on: _____ (Date)

By: _____
Signature

_____ _____

Print Name Agency

Faxed **or** electronically transmitted to the Louisiana Protective Order Registry

DATE _____ CLERK _____

COMPLETED ORDERS FAXED to 888-568-4558 or EMAILED to lporders@lasc.org

Copies to: 1) Court file 2) Protected Person 3) Defendant 4) Reporting/Investigating Law Enforcement Agency 5) Chief Law Enforcement Official of the parish where the protected person(s) resides 6) Sheriff of the parish where the defendant resides 7) Prosecuting Attorney 8) La. Dept. of Public Safety & Corrections (DPS&C) 9) Committee on Parole, La. DPS&C 10) Louisiana Protective Order Registry