**LOUISIANA UNIFORM ABUSE PREVENTION ORDER**

# ORDER OF PROTECTION

Case/Docket # _____ Arrest/Booking # _____ Item # _____

Court: _____ Div. _____ Parish _____ LOUISIANA

Filed: _____ Clerk: _____

☐ **BAIL RESTRICTIONS** ☐ **PROBATION CONDITIONS**

☐ **CONDITIONS OF PAROLE** ☐ **SENTENCING ORDERS**

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

**PROTECTED PERSON**

_____
First Middle/Maiden Last

**PROTECTED PERSON IDENTIFIERS**

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

**The protected person is a:** ☐ **VICTIM in this case** ☐ **WITNESS in this case**

**State of Louisiana**

**V.**

**DEFENDANT'S 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

**EXPIRATION: This order shall be effective through 11:59 PM on** _____

| # of counts | Criminal Charge (Code #) | # of counts | Criminal Charge (Code #) |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

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

Docket No. _____

**A** ☐ **THE DEFENDANT HAS BEEN CHARGED BY BILL OF INFORMATION OR INDICTMENT WITH A CRIME OF VIOLENCE (R.S. 14:2) OR A FELONY HUMAN TRAFFICKING-RELATED OFFENSE (R.S. 46:1844 (W), THEREFORE R.S. 46:1846 AND/OR LA C.CR.P. ARTICLE 320 APPLIES. THUS, THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM AND THE COURT ISSUES THE FOLLOWING ORDERS:**

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

**PURSUANT TO LA. C.CR.P. ARTICLE 1002, THE DEFENDANT IS HEREBY ORDERED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED; ANY CONCEALED HANDGUN PERMIT IS HEREBY SUSPENDED. See timeframes and details on page 4 of this Order.**

**B** ☐ **DEFENDANT HAS BEEN CONVICTED OF A CRIME OF VIOLENCE (R.S. 14:2) OR A FELONY HUMAN TRAFFICKING-RELATED OFFENSE (R.S. 46:1844 (W), THEREFORE R.S. 46:1846 APPLIES. THUS, THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM 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 1002. See timeframes and details on page 4 of this Order.**

____ ☐ 1. YOU ARE ORDERED NOT TO communicate, either by electronic communication, in writing, or orally, with the protected person.

____ ☐ 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 one hundred (100) yards of the residence or household of the protected person.

____ ☐ 4. YOU ARE ORDERED NOT TO go to the protected person's school, or the protected person's place of employment.

____ ☐ 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. Other: _____

_____

____ ☐ 7. **YOU ARE ORDERED TO RETURN TO COURT ON** _____ ***(month/day/year)*** **AT** _____ **O'CLOCK** ____**M.**

Docket No. _____

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

**FULL FAITH AND CREDIT pursuant to 28 U.S.C. § 1738**

The issuing court certifies that it has jurisdiction over the parties and the subject matter under the laws of the State of Louisiana; that 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.**

-

**NOTICE TO DEFENDANT – VIOLATION OF ORDER:**

**VIOLATION OF THIS ORDER MAY RESULT IN FORFEITURE OF BOND, REVOCATION OF PROBATION, PAROLE, A FINE AND/OR IMPRISONMENT. A PERSON WHO VIOLATES THIS ORDER MAY BE IMMEDIATELY ARRESTED, JAILED, AND PROSECUTED PURSUANT TO LA. R.S. 14:79. 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>**

**IT MAY BE UNLAWFUL FOR YOU TO POSSESS, RECEIVE, SHIP, TRANSPORT OR PURCHASE A FIREARM, INCLUDING A RIFLE, PISTOL, OR REVOLVER, OR AMMUNITION, PURSUANT TO STATE AND/OR FEDERAL LAW.**

**<u>Federal law: 18 U.S.C. 922 (g)(1) or (4) and (n)</u>** prohibits a defendant from purchasing, possessing, shipping, transporting, or receiving firearms or ammunition* if:

- convicted in any court of a crime punishable by imprisonment for a term exceeding one year **or**
- adjudicated as a mental defective or who has been committed to a mental institution **or**
- under indictment for a crime punishable by imprisonment for a term exceeding one year

*****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.*

**<u>Louisiana law: C.Cr.P. Art. 320(H)</u>** prohibits the possession of a firearm* while the criminal case is pending through sentencing when issued as a bail restriction.

**<u>Louisiana Law: R.S. 46:1846</u>** 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 crime of violence or any felony human trafficking-related offense as defined in R.S. 46:1844(W)

  **OR**
- The defendant has been sentenced or found not guilty by reason of insanity for a crime of violence or any felony human trafficking-related offense as defined in R.S. 46:1844(W)

**<u>Louisiana Law: R.S. 15:574.4.2</u>** prohibits the possession of a firearm* for the duration of this order if the defendant is being paroled and was convicted of:

- a crime of violence as defined in R.S. 14:2 committed upon any person
- any felony human trafficking-related offense as defined in R.S. 46:1844(W) committed upon any person

*****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.*

Docket No. _____

**NOTICE TO DEFENDANT - FIREARM TRANSFER AND SUSPENSION OF CONCEALED HANDGUN PERMIT**

**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 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 violation of protective orders, you shall make a CUSTODIAL arrest.**

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

By: _____
Signature

_____ _____

Print Name Agency

CLERK _____

**COMPLETED ORDERS FAXED to 504-599-0193 or EMAILED to lpor25@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