2017 Regular Session

HOUSE BILL NO. 499

BY REPRESENTATIVE SCHRODER

1	AN ACT
2	To amend and reenact R.S. 14:40.2(F)(1) and (G), relative to the crime of stalking; to
3	provide relative to the issuance of protective orders against persons convicted of
4	stalking; to provide relative to the exception to the crime of stalking for private
5	investigators; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 14:40.2(F)(1) and (G) are hereby amended and reenacted to read as
8	follows:
9	§40.2. Stalking
10	* * *
11	F.(1)(a) Upon motion of the district attorney or on the court's own motion,
12	whenever it is deemed appropriate for the protection of the victim, the court may, in
13	addition to any penalties imposed pursuant to the provisions of this Section, grant a
14	protective order which directs the defendant to refrain from abusing, harassing,
15	interfering with the victim or the employment of the victim, or being physically
16	present within a certain distance of the victim.
17	(b) For any defendant placed on probation for a violation of the provisions
18	of this Section, the court shall, in addition to any penalties imposed pursuant to the
19	provisions of this Section, grant a protective order which directs the defendant to
20	refrain from abusing, harassing, interfering with the victim or the employment of the
21	victim, or being physically present within a certain distance of the victim.
22	* * *

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1 G.(1) The Except as provided in Paragraph (2) of this Subsection, the 2 provisions of this Section shall not apply to a private investigator licensed pursuant 3 to the provisions of Chapter 56 of Title 37 of the Louisiana Revised Statutes of 1950, 4 acting during the course and scope of his employment and performing his duties 5 relative to the conducting of an investigation. 6 (2) The exception provided in Paragraph (1) of this Subsection does not 7 apply if both of the following conditions apply: 8 (a) The private investigator was retained by a person who is charged with an 9 offense involving sexual assault as defined by R.S. 46:2184 or who is subject to a 10 temporary restraining order or protective order obtained by a victim of sexual assault 11 pursuant to R.S. 46:2182 et seq. 12 (b) The private investigator was retained for the purpose of harassing the 13 victim. 14 SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

ENROLLED

HB NO. 499

APPROVED: ____

GOVERNOR OF THE STATE OF LOUISIANA