

2015 Regular Session

HOUSE BILL NO. 488

BY REPRESENTATIVE MORENO

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

DOMESTIC ABUSE: Provides relative to domestic abuse

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AN ACT

To amend and reenact R.S. 14:34.1(B)(3), 35.3(A), (B)(3)(introductory paragraph), (4), (5), and (6), (G), and (J), 37.7(A) and (B), 40.2(A) and (B)(1)(a), 79(B), (C), and (H), and 95.10(A), (C), and (E), R.S. 15:590(introductory paragraph), and R.S. 46:2136.3(A) and to enact R.S. 14:34.1(B)(4) and 35.3(B)(7) and (8), R.S. 15:590(8), and Code of Criminal Procedure Article 387, relative to domestic abuse; to provide relative to criminal offenses and procedures involving domestic abuse; to provide relative to the crime of second degree battery; to amend the definition of "serious bodily injury" in the crime of second degree battery to include strangulation; to amend the crimes of domestic abuse battery and domestic abuse aggravated assault to include family members and dating partners as possible victims; to provide for definitions of "family member" and "dating partner"; to amend the definition of "household member" and "court-monitored domestic abuse intervention program"; to provide relative to the types of offenses that are designated as "domestic abuse" for consideration in any criminal or civil proceeding; to expand the crime of stalking to specifically include written threats; to amend the penalties for a first offense conviction of stalking; to provide relative to the crime of violation of protective orders; to amend and provide relative to the penalties for certain offenses of violation of protective orders; to prohibit persons convicted of stalking from possessing a firearm; to prohibit persons subject to certain court-approved consent agreements, permanent injunctions, or protective orders from possessing a firearm for the

1 duration of the consent agreement, injunction, or order; to provide relative to the  
2 obtaining and filing of fingerprint and other identification information of persons  
3 arrested or issued a summons for certain domestic abuse-related offenses; to provide  
4 relative to the type of information that a prosecutor is required to provide for certain  
5 domestic abuse-related offenses; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:34.1(B)(3), 35.3(A), (B)(3)(introductory paragraph), (4), (5), and  
8 (6), (G), and (J), 37.7(A) and (B), 40.2(A) and (B)(1)(a), 79(B), (C), and (H), and 95.10(A),  
9 (C), and (E) are hereby amended and reenacted and R.S. 14:34.1(B)(4) and 35.3(B)(7) and  
10 (8) are hereby enacted to read as follows:

11 §34.1. Second degree battery

12 \* \* \*

13 B. For purposes of this Section, the following words shall have the following  
14 meanings:

15 \* \* \*

16 (3) "Serious bodily injury" means bodily injury which involves  
17 unconsciousness, extreme physical pain or protracted and obvious disfigurement, or  
18 protracted loss or impairment of the function of a bodily member, organ, or mental  
19 faculty, or a substantial risk of death. "Serious bodily injury" shall also include  
20 strangulation as defined in Paragraph (4) of this Subsection regardless of whether the  
21 strangulation results in unconsciousness of the victim.

22 (4) "Strangulation" means intentionally impeding the normal breathing or  
23 circulation of the blood by applying pressure on the throat or neck or by blocking the  
24 nose or mouth of the victim.

25 \* \* \*

26 §35.3. Domestic abuse battery

27 A. Domestic abuse battery is the intentional use of force or violence  
28 committed by one household member, family member, or dating partner upon the  
29 person of another household member, family member, or dating partner.

1 B. For purposes of this Section:

2 \* \* \*

3 (3) "Court-monitored domestic abuse intervention program" means a  
4 program, comprised of a minimum of twenty-six in-person sessions occurring over  
5 a minimum of twenty-six weeks, that follows a model designed specifically for  
6 perpetrators of domestic abuse. The offender's progress in the program shall be  
7 monitored by the court. The provider of the program shall have all of the following:

8 \* \* \*

9 (4) "Dating partner" means any person who is or has been in a social  
10 relationship of a romantic or intimate nature with the victim and where the existence  
11 of such a relationship shall be determined based on a consideration of the following  
12 factors:

13 (a) The length of the relationship.

14 (b) The type of relationship.

15 (c) The frequency of interaction between the persons involved in the  
16 relationship.

17 (5) "Family member" means spouses, former spouses, parents, children,  
18 stepparents, stepchildren, foster parents, and foster children.

19 ~~(4)~~(6) "Household member" means any person of the opposite sex presently  
20 or formerly living in the same residence ~~or living in the same residence within five~~  
21 ~~years of the occurrence of the domestic abuse battery with the defendant~~ offender as  
22 a spouse, whether married or not, or any child presently or formerly living in the  
23 same residence ~~or living in the same residence within five years immediately prior~~  
24 ~~to the occurrence of domestic abuse battery with the offender~~, or any child of the  
25 offender regardless of where the child resides.

26 ~~(5)~~(7) "Serious bodily injury" means bodily injury that involves  
27 unconsciousness, extreme physical pain, or protracted and obvious disfigurement,  
28 or protracted loss or impairment of the function of a bodily member, organ, or  
29 mental faculty, or a substantial risk of death.



1 §37.7. Domestic abuse aggravated assault

2 A. Domestic abuse aggravated assault is an assault with a dangerous weapon  
3 committed by one household member, family member, or dating partner upon  
4 another household member, family member, or dating partner.

5 B. For purposes of this Section, ~~"household;~~

6 (1) "Dating partner" means any person who is or has been in a social  
7 relationship of a romantic or intimate nature with the victim and where the existence  
8 of such a relationship shall be determined based on a consideration of the following  
9 factors:

10 (a) The length of the relationship.

11 (b) The type of relationship.

12 (c) The frequency of interaction between the persons involved in the  
13 relationship.

14 (2) "Family member" means spouses, former spouses, parents, children,  
15 stepparents, stepchildren, foster parents, and foster children.

16 (3) "Household member" means any person of the opposite sex presently or  
17 formerly living in the same residence, ~~or living in the same residence within five~~  
18 years of the occurrence of the domestic abuse aggravated assault, with the defendant  
19 offender as a spouse, whether married or not, or any child presently or formerly  
20 living in the same residence ~~or living in the same residence within five years~~  
21 immediately prior to the occurrence of the domestic abuse aggravated assault with  
22 the offender, or any child of the offender regardless of where the child resides.

23 \* \* \*

24 §40.2. Stalking

25 A. Stalking is the intentional and repeated following or harassing of another  
26 person that would cause a reasonable person to feel alarmed or to suffer emotional  
27 distress. Stalking shall include but not be limited to the intentional and repeated  
28 uninvited presence of the perpetrator at another person's home, workplace, school,  
29 or any place which would cause a reasonable person to be alarmed, or to suffer

1 emotional distress as a result of verbal, written, or behaviorally implied threats of  
2 death, bodily injury, sexual assault, kidnaping, or any other statutory criminal act to  
3 himself or any member of his family or any person with whom he is acquainted.

4 B.(1)(a) Notwithstanding any law to the contrary, on first conviction,  
5 whoever commits the crime of stalking shall be fined not less than five hundred  
6 dollars nor more than one thousand dollars and shall be imprisoned with or without  
7 hard labor for not less than thirty days nor more than one year. Notwithstanding any  
8 other sentencing provisions, any person convicted of stalking shall undergo a  
9 psychiatric evaluation. Imposition of the sentence shall not be suspended unless the  
10 offender is placed on probation and participates in a court-approved counseling  
11 which could include but shall not be limited to anger management, abusive behavior  
12 intervention groups, or any other type of counseling deemed appropriate by the  
13 courts.

14 \* \* \*

15 §79. Violation of protective orders

16 \* \* \*

17 B.(1) On a first conviction for violation of protective orders which does not  
18 involve a ~~battery or any~~ crime of violence as defined by R.S. 14:2(B) or an offense  
19 involving the use of force or the threat of use of force against the person protected  
20 by the protective order, the offender shall be fined not more than five hundred dollars  
21 or imprisoned for not more than six months, or both.

22 (2) On a second conviction for violation of protective orders which does not  
23 involve a ~~battery or any~~ crime of violence as defined by R.S. 14:2(B) or an offense  
24 involving the use of force or the threat of use of force against the person protected  
25 by the protective order, regardless of whether the second offense occurred before or  
26 after the first conviction, the offender shall be fined not more than one thousand  
27 dollars and imprisoned for not less than forty-eight hours nor more than six months.  
28 At least forty-eight hours of the sentence of imprisonment imposed under this  
29 Paragraph shall be without benefit of probation, parole, or suspension of sentence.

1 If a portion of the sentence is imposed with benefit of probation, parole, or  
2 suspension of sentence, the court shall require the offender to participate in a ~~court-~~  
3 ~~approved~~ court-monitored domestic abuse ~~counseling~~ intervention program as  
4 defined by R.S. 14:35.3.

5 (3) On a third or subsequent conviction for violation of protective orders  
6 which does not involve a ~~battery or any~~ crime of violence as defined by R.S. 14:2(B)  
7 or an offense involving the use of force or the threat of use of force against the  
8 person protected by the protective order, regardless of whether the current offense  
9 occurred before or after the earlier convictions, the offender shall be fined not more  
10 than one thousand dollars and imprisoned with or without hard labor for not less than  
11 fourteen days nor more than ~~six months~~ one year. At least fourteen days of the  
12 sentence of imprisonment imposed under this Paragraph shall be without benefit of  
13 probation, parole, or suspension of sentence. If a portion of the sentence is imposed  
14 with benefit of probation, parole, or suspension of sentence, the court shall require  
15 the offender to participate in a ~~court-approved~~ court-monitored domestic abuse  
16 ~~counseling~~ intervention program as defined by R.S. 14:35.3, ~~unless the offender has~~  
17 ~~previously been required to participate in such program and, in the discretion of the~~  
18 ~~judge, the offender would not benefit from such counseling.~~

19 C.(1) Whoever is convicted of the offense of violation of protective orders  
20 where the violation involves a ~~battery or any~~ crime of violence as defined by R.S.  
21 14:2(B) or an offense involving the use of force or the threat of use of force against  
22 the person protected by the protective order, and who has not been convicted of  
23 violating a protective order or of an assault or battery upon the person protected by  
24 the protective order within the five years prior to commission of the instant offense,  
25 shall be fined not more than five hundred dollars and imprisoned with or without  
26 hard labor for not less than fourteen days nor more than six months. At least  
27 fourteen days of the sentence of imprisonment imposed under this Paragraph shall  
28 be without benefit of probation, parole, or suspension of sentence. If a portion of the  
29 sentence is imposed with benefit of probation, parole, or suspension of sentence, the

1 court shall require the offender to participate in a ~~court-approved~~ court-monitored  
2 domestic abuse ~~counseling~~ intervention program as defined by R.S. 14:35.3 as part  
3 of that probation.

4 (2) Whoever is convicted of the offense of violation of protective orders  
5 where the violation involves a ~~battery or any~~ crime of violence as defined by R.S.  
6 14:2(B) or an offense involving the use of force or the threat of use of force against  
7 the person for whose benefit the protective order is in effect, and who has been  
8 convicted not more than one time of violating a protective order or of an assault or  
9 battery upon the person for whose benefit the protective order is in effect within the  
10 five-year period prior to commission of the instant offense, regardless of whether the  
11 instant offense occurred before or after the earlier convictions, shall be fined not  
12 more than one thousand dollars and imprisoned with or without hard labor for not  
13 less than three months nor more than ~~six months~~ one year. At least ~~fourteen~~ thirty  
14 days of the sentence of imprisonment imposed under this Paragraph shall be without  
15 benefit of probation, parole, or suspension of sentence. If a portion of the sentence  
16 is imposed with benefit of probation, parole, or suspension of sentence, the court  
17 shall require the offender to participate in a ~~court-approved~~ court-monitored  
18 domestic abuse ~~counseling~~ intervention program as defined by R.S. 14:35.3, ~~unless~~  
19 ~~the offender has previously been required to participate in such program and, in the~~  
20 ~~discretion of the court, the offender would not benefit from such counseling.~~

21 (3) Whoever is convicted of the offense of violation of protective orders  
22 where the violation involves a ~~battery or any~~ crime of violence as defined by R.S.  
23 14:2(B) or an offense involving the use of force or the threat of use of force against  
24 the person for whose benefit the protective order is in effect, and who has more than  
25 one conviction of violating a protective order or of an assault or battery upon the  
26 person for whose benefit the protective order is in effect during the five-year period  
27 prior to commission of the instant offense, regardless of whether the instant offense  
28 occurred before or after the earlier convictions, the offender shall be fined not more  
29 than two thousand dollars and imprisoned with or without hard labor for not less than



1 one year nor more than five years. At least one year of the sentence of imprisonment  
2 imposed under this Paragraph shall be without benefit of probation, parole, or  
3 suspension of sentence.

4 \* \* \*

5 H. An offender ordered to participate in a court-monitored domestic abuse  
6 ~~counseling~~ intervention program under the provision of this Section shall pay the  
7 cost incurred in participating in the program, unless the court determines that the  
8 offender is unable to pay. Failure to make payment under this Subsection shall  
9 subject the offender to revocation of probation.

10 \* \* \*

11 §95.10. Possession of a firearm or carrying of a concealed weapon by a person  
12 convicted of domestic abuse battery or stalking

13 A. It is unlawful for any person who has been convicted of the crime of  
14 domestic abuse battery, ~~R.S. 14:35.3~~, as defined by R.S. 14:35.3 or stalking as  
15 defined by R.S. 14:40.2 to possess a firearm or carry a concealed weapon.

16 \* \* \*

17 C. A person shall not be considered to have been convicted of domestic  
18 abuse battery as defined by R.S. 14:35.3 or stalking as defined by R.S. 14:40.2 for  
19 purposes of this Section unless the person was represented by counsel in the case, or  
20 knowingly and intelligently waived the right to counsel in the case; and in the case  
21 of a prosecution for an offense described in this Section for which a person was  
22 entitled to a jury trial in the jurisdiction in which the case was tried, either the case  
23 was tried by a jury, or the person knowingly and intelligently waived the right to  
24 have the case tried by a jury, by guilty plea or otherwise. A person shall not be  
25 considered convicted of domestic abuse battery as defined by R.S. 14:35.3 or  
26 stalking as defined by R.S. 14:40.2 for the purposes of this Section if the conviction  
27 has been expunged, set aside, or is an offense for which the person has been  
28 pardoned or had civil rights restored unless the pardon, expungement, or restoration

1 of civil rights expressly provides that the person may not ship, possess, or receive  
2 firearms.

3 \* \* \*

4 E. The provisions of this Section prohibiting the possession of firearms and  
5 carrying concealed weapons by persons who have been convicted of domestic abuse  
6 battery or stalking shall not apply to any person who has not been convicted of  
7 domestic abuse battery or stalking for a period of ten years from the date of  
8 completion of sentence, probation, parole, or suspension of sentence.

9 Section 2. R.S. 15:590(introductory paragraph) is hereby amended and reenacted and  
10 R.S. 15:590(8) is hereby enacted to read as follows:

11 §590. Obtaining and filing fingerprint and identification data

12 The bureau shall obtain and file the name, fingerprints, description,  
13 photographs, and any other pertinent identifying data as the deputy secretary deems  
14 necessary, of any person who meets any of the following:

15 \* \* \*

16 (8) Has been arrested, or has been issued a summons, for a violation of any  
17 state law or local ordinance that prohibits the use or attempted use of force, or the  
18 threatened use of force or a deadly weapon, including but not limited to stalking as  
19 defined by R.S. 14:40.2, against any family member as defined by R.S. 46:2132, any  
20 household member as defined by R.S. 14:35.3, or any dating partner as defined by  
21 R.S. 46:2151.

22 Section 3. R.S. 46:2136.3(A) is hereby amended and reenacted to read as follows:

23 §2136.3. Prohibition on the possession of firearms by a person against whom a  
24 protective order is issued

25 A. Any person against whom the court has issued a permanent injunction,  
26 court-approved consent agreement, or a protective order pursuant to the provisions  
27 of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, ~~or 2151, or 2173~~, Children's Code  
28 Article 1570, Code of Civil Procedure Article 3607.1, or Code of Criminal Procedure  
29 Articles 30, 327.1, 335.1, 335.2, or 871.1 shall be prohibited from possessing a

1 firearm for the duration of the injunction, court-approved consent agreement, or  
2 protective order if both of the following occur:

3 (1) The permanent injunction, court-approved consent agreement, or  
4 protective order includes a finding that the person subject to the permanent  
5 injunction, court-approved consent agreement, or protective order represents a  
6 credible threat to the physical safety of a family member or household member.

7 (2) The permanent injunction, court-approved consent agreement, or  
8 protective order informs the person subject to the permanent injunction, court-  
9 approved consent agreement, or protective order that the person is prohibited from  
10 possessing a firearm pursuant to the provisions of 18 U.S.C. §922(g)(8) and R.S.  
11 46:2136.3.

12 \* \* \*

13 Section 4. Code of Criminal Procedure Article 387 is hereby enacted to read as  
14 follows:

15 Art. 387. Additional information required when prosecuting certain offenses

16 When instituting the prosecution of an offense involving a violation of any  
17 state law or local ordinance that prohibits the use or attempted use of force, or the  
18 threatened use of force or a deadly weapon, including but not limited to stalking as  
19 defined by R.S. 14:40.2, against any family member as defined by R.S. 46:2132, any  
20 household member as defined by R.S. 14:35.3, or any dating partner as defined by  
21 R.S. 46:2151, the district attorney, or city prosecutor for criminal prosecutions in city  
22 court, shall include the following information in the indictment, information, or  
23 affidavit:

24 (1) Date of the arrest.

25 (2) Relationship of the defendant to the victim.

26 (3) The state identification number of the defendant, if one has been assigned  
27 to the defendant for this offense or for any prior offenses.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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HB 488 Original

2015 Regular Session

Moreno

**Abstract:** Provides relative to criminal offenses involving domestic abuse, provides for procedures following an arrest and initiation of prosecution for such offenses, and provides relative to the imposition of criminal penalties for and other effects that result from a conviction of such offenses.

Present law provides for all of the following:

- (1) Defines the crime of second degree battery as battery when the offender intentionally inflicts "serious bodily injury" as defined by present law.
- (2) Defines the crime of domestic abuse battery as the intentional use of force or violence committed by one household member upon the person of another household member and provides a definition for "household member".
- (3) Requires any offender placed on probation for domestic abuse battery to participate in a court-monitored domestic abuse intervention program and provides that such program shall be comprised of a minimum of 26 in-person sessions.
- (4) Provides that any crime of violence as defined by present law against a person committed by one household member against another household member shall be designated as an act of domestic abuse for consideration in any criminal or civil proceeding.
- (5) Provides that for the purpose of determining whether an offender has a prior conviction of domestic abuse battery, a conviction under the laws of any state statute or ordinance that prohibits the intentional use of force or violence committed by one household member upon another household member shall constitute a prior conviction.
- (6) Defines the crime of domestic abuse aggravated assault as an assault with a dangerous weapon committed by one household member upon another household member and provides a definition of "household member".
- (7) Defines the crime of stalking as the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress and provides that stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnaping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.
- (8) Provides that for a first conviction for the crime of stalking, the offender shall be fined not less than \$500 nor more than \$1,000 and shall be imprisoned for not less than 30 days nor more than one year.
- (9) Provides that the crime of violation of protective orders includes the willful disobedience of an order issued to require a defendant to stay away from a specific person or persons as a condition of his release on bond, probation, or parole. Further

provides for increased penalties for violations of protective orders which involve a battery or crime of violence against the person who is protected by the protective order.

- (10) Provides that it shall be unlawful for any person who is convicted of domestic abuse battery to possess a firearm or carry a concealed weapon.
- (11) Prohibits any person against whom the court has issued a permanent injunction or a protective order relative to domestic abuse from possessing a firearm for the duration of the injunction or protective order if it includes a finding that the person subject to the permanent injunction or protective order represents a credible threat to the physical safety of a family member or household member and the permanent injunction or protective order informs the person subject to the permanent injunction or protective order that the person is prohibited from possessing a firearm pursuant to both state and federal law.
- (12) Requires the La. Bureau of Criminal Identification and Information to obtain and file the name, fingerprints, description photographs, and any other pertinent identifying data of certain persons, including but not limited to any person who was arrested for certain offenses, who is incarcerated, who is a fugitive from justice, or who is a habitual offender.

Proposed law provides for all of the following:

- (1) Amends the present law definition of "serious bodily injury" for purposes of second degree battery to include strangulation and defines "strangulation" as intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck by blocking the nose or mouth of the victim.
- (2) Expands the crimes of domestic abuse battery and domestic abuse aggravated assault to include family members and dating partners as possible victims.
- (3) Defines "family member" and "dating partner" and amends the definition of "household member" for the crimes of domestic abuse battery and domestic abuse aggravated assault.
- (4) Amends the definition of "court-monitored domestic abuse intervention program" to require that the 26 in-person sessions occur over a minimum of 26 weeks.
- (5) Amends present law to provide that a prior conviction of domestic abuse battery also includes a conviction under the laws of any state or ordinance that prohibits the intentional use of force or violence committed against a family member or dating partner.
- (6) Provides that any offense involving the use of force or the threat of the use of force against a person, including stalking, committed by one household member, family member, or dating partner against another household member, family member, or dating partner shall be designated as an act of domestic abuse for consideration in any civil or criminal proceeding.
- (7) Expands the crime of stalking to specifically include written threats.
- (8) Amends penalties for a first conviction of the crime of stalking, to provide that the sentence shall be served with or without hard labor.
- (9) Amends present law to provide that the increased penalties for violations of protective orders are applied when the violation involves a crime of violence or any

- offense involving the use of force or the threat of the use of force against the person protected by the protective order.
- (10) Increases the maximum term of imprisonment from six months to one year for a third or subsequent conviction for the crime of violation of protective orders that does not involve a crime of violence or any offense involving the use of force or the threat of the use of force against the person protected by the protective order. Further provides that the sentence shall be served with or without hard labor.
  - (11) Provides that the sentence imposed for a first offense violation of a protective order that involves a crime of violence or an offense involving the use of force or the threat of use of force against the person protected by the protective order shall be served with or without hard labor.
  - (12) Increases the maximum term of imprisonment from six months to one year and increases the minimum mandatory sentence from 14 days to 30 days for a second conviction that involves a crime of violence or any offense involving the use of force or the threat of the use of force against the person protected by the protective order. Further provides that the sentence shall be served with or without hard labor.
  - (13) Amends all references of "court-approved domestic abuse counseling program" in the present law crime of violation of protective orders to provide that the offender shall participate in a "court-monitored domestic abuse intervention program" as defined in the crime of domestic abuse battery.
  - (14) Expands present law to prohibit any person convicted of stalking from possessing a firearm or carrying a concealed weapon.
  - (15) Expands the present law prohibition on the possession of firearms for the duration of a permanent injunction or protective order to any person against whom a protective order or permanent injunction was issued pursuant to the Protection from Stalking Act or as a condition of release on bail for an offense against a family or household member or dating partner. Further provides that the prohibition shall also apply to those persons subject to a court-approved consent agreement issued pursuant to present law, the Protection from Stalking Act, or as a condition of release on bail for an offense against a family or household member or dating partner.
  - (16) Amends present law to require the La. Bureau of Criminal Identification and Information to obtain and file the name, fingerprints, description photographs, and any other pertinent identifying data of any person who has been arrested, or has been issued a summons, for a violation of any state law or local ordinance that prohibits the use or attempted use of force, or the threatened use of force or a deadly weapon against any family member, household member, or dating partner.
  - (17) When instituting the prosecution of an offense involving the use or attempted use of force, or the threatened use of force or a deadly weapon against any family member, household member, or dating partner, requires the prosecutor to include the following information in the indictment, information, or affidavit: date of the arrest, relationship of the defendant to the victim, and the state identification number of the defendant if one has been assigned to the defendant for this offense or for any prior offenses.

(Amends R.S. 14:34.1(B)(3), 35.3(A), (B)(3)(intro. para.), (4), (5), and (6), (G), and (J), 37.7(A) and (B), 40.2(A) and (B)(1)(a), 79(B), (C), and (H), and 95.10(A), (C), and (E), and R.S. 15:590(intro. para.), and R.S. 46:2136.3(A); Adds R.S. 14:34.1(B)(4) and 35.3(B)(7) and (8), R.S. 15:590(8), and C.Cr.P. Art. 387)