
DIGEST

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HB 93 Reengrossed

2017 Regular Session

Miguez

Abstract: Authorizes an immediate family member of a qualified law enforcement officer to purchase his duty firearm upon his death.

Present law provides that any qualifying state trooper, sheriff, deputy sheriff, or municipal police officer shall be entitled to purchase his firearm at fair market value upon retirement and subject to the approval of the head of the law enforcement agency.

Proposed law retains present law and allows an immediate family member to purchase the firearm on behalf of a qualifying state trooper, sheriff, deputy sheriff, or municipal police officer, if the member was unable to do so prior to his death.

Proposed law also allows an immediate family member of a state trooper, sheriff, deputy sheriff, or municipal police officer killed in the line of duty to purchase his duty firearm at fair market value subject to the approval of the head of the law enforcement agency.

Proposed law prohibits an immediate family member from purchasing the firearm on behalf of the state trooper, sheriff, deputy sheriff, or municipal police officer if the immediate family member is prohibited from possessing a firearm under any state or federal law.

Proposed law allows the qualifying officer to designate a specific immediate family member as the beneficiary to purchase his firearm upon his death. Proposed law further provides that if no beneficiary is designated, then the following immediate family members have the right of first refusal to purchase the duty firearm in the following order of precedence:

- (1) The surviving spouse.
- (2) A child of the deceased officer. If multiple children, then the oldest child shall have the right of first refusal.
- (3) A parent of the deceased officer.
- (4) A sibling of the deceased officer. If multiple siblings, then the oldest sibling shall have right of first refusal.

Proposed law provides that if the duty firearm is part of an ongoing investigation or is being used or needed as evidence, then the firearm may not be sold or transferred to an immediate family

member until the firearm is no longer part of the investigation or needed or being used as evidence. Proposed law further provides that the immediate family member with the right of first refusal to purchase the firearm may request the release of the firearm pursuant to present law (R.S. 15:14).

(Amends R.S. 11:1307(B), 2185, and 2235; Adds R.S. 40:1665.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Expand proposed law to authorize an immediate family member to purchase the firearm of a qualified sheriff, deputy sheriff, or municipal police officer who was unable to do so prior to his death.
2. Prohibit an immediate family member from purchasing the firearm if the immediate family member is prohibited from possession of a firearm under any present law, state law, or federal law.
3. Provide that if more than one immediate family member seeks to purchase the firearm, the oldest immediate family member who seeks to purchase the firearm shall be entitled to do so.

The House Floor Amendments to the engrossed bill:

1. Remove requirement that if more than one immediate family member seeks to purchase the firearm, the oldest immediate family member who seeks to purchase the firearm shall be entitled to do so.
2. Allow the qualifying officer to designate a specific immediate family member as the beneficiary to purchase his firearm upon his death.
3. Require that if no beneficiary is designated by the deceased officer, then the following immediate family members have the right of first refusal to purchase the duty firearm in the following order of precedence:
 - (a) The surviving spouse.
 - (b) A child of the deceased officer. If multiple children, then the oldest child shall have the right of first refusal.
 - (c) A parent of the deceased officer.
 - (d) A sibling of the deceased officer. If multiple siblings, then the oldest sibling shall have right of first refusal.

4. Add that if the duty firearm is part of an ongoing investigation or is being used or needed as evidence, then the firearm may not be sold or transferred to an immediate family member until the firearm is no longer part of the investigation or needed or being used as evidence.
5. Allow an immediate family member with the right of first refusal to purchase the firearm to request the release of the firearm pursuant to present law (R.S. 15:14).
6. Make technical amendments.