

2022 Regular Session

HOUSE BILL NO. 585

BY REPRESENTATIVE FREEMAN

WEAPONS/FIREARMS: Provides relative to reporting of certain firearm data to the La. Commission on Law Enforcement

1 AN ACT

2 To enact Code of Criminal Procedure Article 1005, relative to firearm data collection; to
3 provide for required reporting of aggregate firearm transfer data to the Louisiana
4 Commission on Law Enforcement and Administration of Criminal Justice; to provide
5 for the creation of a standardized form used to report aggregate data fields; to
6 provide for submission of forms; to provide for submission dates; to provide for
7 publication of data; to provide for a report; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 1005 is hereby enacted to read as
10 follows:

11 Art. 1005. Transfer of firearms; aggregate data collection and reporting

12 A.(1) The sheriff of each parish shall report on an annual basis to the
13 Louisiana Commission on Law Enforcement and Administration of Criminal Justice
14 the following aggregate data:

15 (a) The total number of civil orders to transfer firearms received by the
16 sheriff's office pursuant to Article 1002(C)(3).

17 (b) The total number of criminal orders to transfer firearms received by the
18 sheriff's office pursuant to Article 1002(C)(3).

19 (c) The total number of proof of transfer forms completed and retained by
20 the sheriff's office as required by Article 1002(D)(1).

1 (d) The total number of declarations of non-possession received by the
2 sheriff's office pursuant to Article 1002(E)(1).

3 (e) The number of firearm transfers completed as required by Article 1002
4 including:

5 (i) The total number of firearms transferred to the sheriff's office.

6 (ii) The total number of firearms transferred to a third-party entity.

7 (iii) The total number of firearms transferred to contracted storage.

8 (iv) The total number of firearms transferred via legal sale.

9 (f) The number of orders received from the court stating that firearms shall
10 be returned to the transferor pursuant to Article 1003(D)(2).

11 (2) The sheriff shall submit a report to the Louisiana Commission on Law
12 Enforcement and Administration of Criminal Justice regardless of whether the
13 sheriff is able to complete a firearm transfer pursuant to Subparagraphs (a) through
14 (e) of this Subsection.

15 B. Not later than January 1, 2023, the Louisiana Commission on Law
16 Enforcement and Administration of Criminal Justice shall create and distribute a
17 standardized form for use by the sheriff of each parish to use to report all aggregate
18 data fields required by Paragraph A of this Article. The form shall not contain any
19 identifying information of the person who possesses the firearm and shall only
20 contain numerical data provided in Subsection A.

21 C. The Louisiana Commission on Law Enforcement and Administration of
22 Criminal Justice shall identify a single point of contact or web portal to which each
23 sheriff shall submit the completed form created pursuant to Paragraph B of this
24 Article.

25 D. The sheriff of each parish shall submit the completed form to the
26 Louisiana Commission on Law Enforcement and Administration of Criminal Justice
27 no later than January thirty-first of each calendar year. Each form shall contain the
28 aggregate data for each of the items listed in Paragraph A of this Article for the prior
29 calendar year.

1 E. The Louisiana Commission on Law Enforcement and Administration of
 2 Criminal Justice shall publish the data collected from the sheriff of each parish
 3 pursuant to Paragraph D of this Article to the commission's public website by
 4 February twenty-eighth of each calendar year.

5 F. The Louisiana Commission on Law Enforcement and Administration of
 6 Criminal Justice shall submit a report containing the information received pursuant
 7 to Subsection D of this Section to the House Committee on Administration of
 8 Criminal Justice and the Senate Committee on Judiciary C no later than March first
 9 of each calendar year.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 585 Reengrossed

2022 Regular Session

Freeman

Abstract: Provides for the mandatory reporting of aggregate firearm transfer data by the sheriff of each parish to the La. Commission on Law Enforcement and Administration of Criminal Justice.

Present law (C.Cr.P. Art. 1002) provides for the transfer of a firearm when a person has been convicted of certain crimes.

Present law (C.Cr.P. Art. 1003) provides for the transfer or storage of transferred firearms.

Proposed law provides that the sheriff of each parish shall report on an annual basis to the La. Commission on Law Enforcement and Administration of Criminal Justice the following aggregate data:

- (1) The total number of civil orders to transfer firearms received by the sheriff's office pursuant to present law (C.Cr.P. Art. 1002).
- (2) The total number of criminal orders to transfer firearms received by the sheriff's office pursuant to present law (C.Cr.P. Art. 1002).
- (3) The total number of proof of transfer forms completed and retained by the sheriff's office as required by present law (C.Cr.P. Art. 1002).
- (4) The total number of declarations of non-possession received by the sheriff's office pursuant to present law (C.Cr.P. Art. 1002).
- (5) The number of firearm transfers completed as required by present law:
 - (a) The total number of firearms transferred to the sheriff's office.
 - (b) The total number of firearms transferred to a third party entity.

- (c) The total number of firearms transferred to contracted storage.
 - (d) The total number of firearms transferred via legal sale.
- (6) The number of orders received from the court stating that firearms shall be returned to the transferor under present law (C.Cr.P. Art. 1003).

Proposed law provides that the sheriff shall submit a report to the La. Commission on Law Enforcement and Administration of Criminal Justice regardless of whether the sheriff is able to complete a firearm transfer pursuant to proposed law.

Proposed law provides that by Jan. 1, 2023, the La. Commission on Law Enforcement and Administration of Criminal Justice shall create and distribute a standardized form for use by the sheriff of each parish to use to report all aggregate data fields required by proposed law.

Proposed law provides that the form shall not contain any identifying information of the person who possesses the firearm and shall only contain numerical data provided in proposed law.

Proposed law provides that the La. Commission on Law Enforcement and Administration of Criminal Justice shall provide a single point of contact or web portal to which each sheriff shall submit the completed form described in proposed law.

Proposed law provides that the sheriff of each parish shall submit the completed form to the La. Commission on Law Enforcement and Administration of Criminal Justice no later than Jan. 31st of each calendar year. Provides that each form shall contain the aggregate data for each of the items listed in proposed law for the prior calendar year.

Proposed law provides that the La. Commission on Law Enforcement and Administration of Criminal Justice shall publish the data collected from the sheriff of each parish pursuant to proposed law to the commission's public website by Feb. 28th of each calendar year.

Proposed law provides that the La. Commission on Law Enforcement and Administration of Criminal Justice shall submit a report containing the information received pursuant to proposed law to the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary C no later than March 1st of each calendar year.

(Adds C.Cr.P. Art. 1005)

Summary of Amendments Adopted by House

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

1. Change the aggregate data being collected from the number of firearms returned to the transferor to the number of orders received from the court stating that firearms shall be returned to the transferor pursuant to present law.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Require the sheriff to submit a report to the La. Commission on Law Enforcement and Administration of Criminal Justice regardless of whether the sheriff is able to complete a firearm transfer pursuant to proposed law.
3. Require the La. Commission on Law Enforcement and Administration of Criminal Justice to submit a report containing the information received pursuant

to proposed law to the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary C no later than March 1st of each calendar year.

4. Specify that the form submitted to the La. Commission on Law Enforcement and Administration of Criminal Justice shall not contain any identifying information of the person who possesses the firearm and shall only contain numerical data.