
DIGEST

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HB 322 Original

2016 Regular Session

Ivey

Abstract: Requires the reporting of certain information to the La. Supreme Court regarding the possession or carrying of firearms and procedures for the restoration of firearms rights.

Present law (R.S. 14:95.1) provides that it is unlawful for any person to possess a firearm or to carry a concealed weapon who has been convicted of a crime of violence which is a felony or simple burglary, burglary of a pharmacy, burglary of an inhabited dwelling, unauthorized entry of an inhabited dwelling, felony illegal use of weapons or dangerous instrumentalities, manufacture or possession of a delayed action incendiary device, manufacture or possession of a bomb, or possession of a firearm while in the possession of or during the sale or distribution of a controlled dangerous substance, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony, or a sex offense, or any crime defined as an attempt to commit one of the above-enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above-enumerated crimes.

Present law provides that this prohibition shall not apply if the person has not been convicted of any felony for a period of 10 years from the date of completion of sentence, probation, parole, or suspension of sentence.

Proposed law retains present law.

Present law provides for a reporting requirement for district clerks of court. Requires that each district clerk of court report to the La. Supreme Court for reporting to the National Instant Criminal Background Check System (NICS) database the name and other identifying information of an adult who is prohibited from possessing a firearm under state or federal law, by reason of one of the following convictions or adjudications in a court of that clerk's district:

- (1) A conviction of a crime listed in present law (R.S. 14:95.1(A)).
- (2) A verdict of an acquittal of a crime listed in present law (R.S. 14:95.1(A)) by reason of insanity.
- (3) A court determination that a person does not have the mental capacity to proceed with a criminal trial for a crime listed in present law (R.S. 14:95.1(A)).
- (4) A court order requiring that a person be involuntarily committed to an inpatient mental health

treatment facility.

- (5) A court order prohibiting a person from possessing a firearm or restricting a person in the use of a firearm.

Proposed law retains these provisions of present law and adds a conviction of domestic abuse battery to the list of reported convictions.

Present law requires the clerk of court to submit this report to the La. Supreme Court within 10 business days of the date of conviction, adjudication, or order of involuntary commitment, and requires the supreme court to, within 15 business days of the receipt of that report, submit that information to the NICS database. Present law further provides for a limitation of liability except in the case of willful or wanton misconduct or gross negligence.

Proposed law retains present law.

Proposed law provides for a similar reporting requirement for each city and parish clerk of court, effective January 1, 2017. Requires that each city and parish clerk of court report to the La. Supreme Court for reporting to the National Instant Criminal Background Check System (NICS) database the name and other identifying information of an adult who is prohibited from possessing a firearm under state or federal law, by reason of one of the following convictions or adjudications in a court of that clerk's district:

- (1) A conviction of domestic abuse battery which is a misdemeanor.
- (2) A verdict of an acquittal of a misdemeanor crime by reason of insanity.
- (3) A court determination that a person does not have the mental capacity to proceed with a criminal trial for a misdemeanor crime.
- (4) A court order prohibiting a person from possessing a firearm or restricting a person in the use of a firearm.

Proposed law further provides for a similar limitation of liability for city and parish clerks of court.

(Amends R.S. 13:753(A)(intro. para.), (B), (C), and (D); Adds R.S. 13:753(A)(6) and (E))