

Proposed law provides that any victim who is qualified to carry a firearm without a permit pursuant to proposed law may object to the transfer of firearms which are provided for in proposed law by claiming title to any transferred firearm. Proposed law further provides that, if an objection is made, the court shall order a firearm transfer hearing as provided for in proposed law. If the court determines that the victim is qualified to carry a firearm without a permit pursuant to proposed law and that the victim has title to any firearm required to be transferred pursuant to proposed law, then the court shall order that the firearm be transferred to the person who is qualified to carry a firearm without a permit pursuant to proposed law.

Proposed law provides that, upon a conviction of an offense or court order issued against a person, a judge shall order the transfer of all firearms pursuant to the provisions of proposed law which is owned or possessed by any person who is prohibited from possessing a firearm pursuant to the laws of this state by reason of any of the following:

- (1) Any person convicted of domestic abuse battery (R.S. 14:35.3).
- (2) Any person convicted of possession of a firearm or carrying a concealed weapon by a person convicted of domestic abuse battery (R.S. 14:95.10).
- (3) Any person against whom the court has issued a permanent injunction or a protective order pursuant to a court-approved consent agreement or pursuant to the provisions of domestic violence or family violence shall be prohibited from possessing a firearm for the duration of the injunction or protective order.
- (4) Any person prohibited from possessing a firearm pursuant to a Uniform Abuse Prevention Order.

Proposed law provides that the order transferring the firearms shall be issued at time of conviction or at the same time the court prohibits the person from possessing a firearm.

Proposed law provides that the order to transfer firearms shall inform the person subject to the order that he is prohibited from possessing a firearm pursuant to the provisions of 18 U.S.C. 922(g)(8) and the relevant provisions of Louisiana law.

Proposed law provides that the court shall also order that if the defendant possesses a concealed handgun permit, the permit shall be suspended.

Proposed law provides that the court may designate the law enforcement agency within the judicial district of the court to serve as the agency to retain firearms transferred by the provisions of proposed law. Proposed law further provides that, if the law enforcement agency elects not to be the repository of transferred firearms, the court shall designate another law enforcement agency to retain firearms transferred by the provisions of proposed law.

Proposed law provides that the owner of a firearm who has been ordered to transfer all firearms in his possession shall transfer those firearms immediately but not later than 48 hours of the issuance

of the order to either of the following as ordered by the court:

- (1) To the designated law enforcement agency as provided for in proposed law.
- (2) A third party, as provided for in proposed law.

Proposed law provides that, if the offender is incarcerated at the time the order is issued, he shall transfer his firearms immediately but not later than 48 hours of release from incarceration.

Proposed law provides that the owner of the firearm ordered by the court to transfer his firearms may request that the court approve a third party other than the designated law enforcement agency to receive and hold the firearms. Proposed law further provides that if the owner of the firearm requests that a third party receive and hold the firearms, the court shall schedule a firearms transfer hearing within a week of issuing the order directing the person to transfer his firearms.

Proposed law provides that the court may schedule a firearms transfer hearing for any reason the court deems relevant to the transfer of firearms. Proposed law further provides that the court shall consider all relevant factors and any input from the petitioner in determining whether to approve the transfer of firearms.

Proposed law provides that the court shall dismiss the hearing to transfer firearms if the respondent transfers his firearms in one of the following manners:

- (1) The owner transfers his firearms to the law enforcement officer as ordered by the court immediately but not later than 48 hours after the hearing ordering the person to transfer his firearms and provides a copy of the receipt to the clerk of court. If the offender is incarcerated at the time the order is issued, he shall transfer his firearms immediately, but not later than 48 hours of release from incarceration and provide a copy of the receipt to the clerk of court.
- (2) The owner transfers his firearms to another person and all of the following apply:
 - (a) The owner and the third party to whom the owner is transferring the firearms appear at the hearing ordering the transfer of firearms.
 - (b) At the hearing, the court determines that the third party receiving the firearms is not prohibited from possessing a firearm.
 - (c) The court informs the third party to whom firearms are transferred of the requirements and penalties under state and federal laws.

Proposed law provides that, unless the court dismisses the hearing to transfer firearms, the court shall serve notice on the owner of the firearm of the time and place of the transfer hearing in order that the owner of the firearm shall attend the hearing to transfer firearms. Proposed law further provides that, if the owner fails to attend the hearing to transfer firearms after being served with notice of the

time and place of the hearing, the court may order that the weapon be transferred to law enforcement agency and order the sheriff to seize the weapon.

Proposed law provides that, at the hearing, if the owner claims to have transferred his firearms to the law enforcement officer in accordance with the provisions of proposed law, the court shall verify that the respondent has transferred all such firearms.

Proposed law provides that if the owner has not transferred his firearms in accordance with the provisions of proposed law, the court shall order him to transfer any firearms that the court finds he owns or possesses to the law enforcement officer as authorized by the provisions of proposed law. If the person has not provided to the court, within 48 hours of the hearing to transfer firearms, a receipt confirming the transfer of all of the firearms that were subject to the order, the court shall presume the respondent is violating the order and may do either of the following:

- (1) Notify the law enforcement officer of the violation for investigation and appropriate action.
- (2) Issue a warrant to the sheriff ordering that the respondent be brought before the court to show cause why the respondent should not be held in contempt.

Proposed law provides that, if the person states that he does not possess a firearm, and the court, after an inquiry, is satisfied that the respondent does not possess a firearm, the court shall dismiss the order of transfer of firearms.

Proposed law provides that any firearm transferred under proposed law shall be inventoried and retained, with due care to preserve its quality and function, by the designated law enforcement agency, and must be returned to the person upon dismissal of the protective order or a finding pursuant to a rule to show cause that a protective order not be issued upon the person's acquittal, when charges are dismissed, or if no charges are filed unless otherwise prohibited by federal or state law.

Proposed law provides that when a person transfers a firearm pursuant to the provisions of proposed law to a law enforcement officer employed by the designated law enforcement agency, the officer shall prepare a receipt for each firearm transferred to him. Proposed law further provides that the receipt shall include the date on which the firearm was transferred and the manufacturer, model, and serial number of the firearm transferred to the sheriff and shall be signed by the respondent and by the law enforcement officer to whom the firearm is transferred.

Proposed law provides that the designated law enforcement agency shall maintain possession of the firearms until the court issues an order directing that the firearms be relinquished and specifying the person to whom the firearms will be relinquished.

Proposed law provides that, upon expiration of the Uniform Abuse Prevention Order, or completion of any sentence, if the court has not previously ordered the firearm be relinquished to another party and if the owner may lawfully possess the transferred firearm, the law enforcement agency shall return the transferred firearm to the owner.

Proposed law provides that the provisions of proposed law provides that the transfer of firearms shall not include the transfer or seizure of antique firearms.

Proposed law provides that "antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Proposed law provides for procedures for the storage and return of firearms.

Proposed law provides that all designated law enforcement agencies shall develop policies and procedures by Jan. 1, 2017, regarding the acceptance, storage, and return of firearms transferred pursuant to proposed law.

Proposed law provides that, by Jan. 1, 2017, the Louisiana Judicial Administrator's Office shall develop a proof of transfer and receipt pattern form to be used to document that a respondent has complied with a requirement to transfer firearms and his concealed carry permit as ordered by a court. Proposed law further provides that the office shall also develop a declaration of transfer pattern form to document compliance when the respondent has no firearms or a concealed carry permit.

Proposed law provides that, should the court order the return of a firearm to the owner, the law enforcement agency shall have 48 hours to return the firearm.

Proposed law provides that any law enforcement agency in the state may elect not to participate in the holding of court-ordered transferred firearms. If the law enforcement agencies in a judicial district choose not to participate in the storage of firearms which are transferred pursuant to proposed law, the court shall determine an appropriate repository for the firearms and order the firearms be maintained until the court orders their return.

Effective August 1, 2016.

(Adds C.Cr.P. Art. 1001 - 1010)