

RÉSUMÉ DIGEST

ACT 340 (SB 153)

2016 Regular Session

Claitor

Prior law required each manufacturer, importer, and dealer in any firearm to identify it with a number or other identification mark approved by the DPS&C, public safety services, and to mark or stamp or otherwise place the number or mark on the firearm in a manner approved by DPS&C, public safety services.

New law retains prior law.

Prior law prohibited the obliteration, removal, change or alteration of the number or mark.

New law retains prior law.

Prior law provided that whenever, in a trial for a violation of prior law, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize a conviction unless the defendant explains it to the satisfaction of the court. However, in the case of *State v Taylor*, 396 So.2d 1278, 1281 (La. 1981), the La. Supreme Court held that the presumption of guilt in prior law was unconstitutional.

New law deletes the portion of prior law that was held unconstitutional.

Effective August 1, 2016.

(Amends R.S. 40:1788(B))