

2017 Regular Session

HOUSE BILL NO. 93

BY REPRESENTATIVE MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCE/OFFICERS: Authorizes an immediate family member of a qualified law enforcement officer to purchase his duty firearm upon death

1 AN ACT

2 To amend and reenact R.S. 11:1307(B), 2185, and 2235 and to enact R.S. 40:1665.4, relative  
3 to law enforcement officers; to authorize an immediate family member of a qualified  
4 law enforcement officer to purchase his duty firearm upon death; to provide for  
5 certain criteria; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 11:1307(B), 2185, and 2235 are hereby amended and reenacted to  
8 read as follows:

9 §1307. Persons eligible to retire on basis of service and age; retirement benefits

10 \* \* \*

11 B. Any member of the system who is a commissioned member of the office  
12 of state police who has at least twenty years of active service and who retires under  
13 the provisions of this Section shall be entitled to purchase his firearm at fair market  
14 value, upon retirement, subject to the approval of the deputy secretary of public  
15 safety services of the department. In accordance with the provisions of this  
16 Subsection, an immediate family member shall be entitled to purchase the firearm  
17 on behalf of a qualifying member of the office of state police if the member was  
18 unable to do so prior to his death. The provisions of this Subsection shall not apply  
19 if the family member is prohibited from possessing a firearm under the provisions  
20 of R.S. 14:95.1 or any other state or federal law. If more than one immediate family

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 member seeks to purchase the firearm, the oldest immediate family member who  
2 seeks to purchase the firearm shall be entitled to purchase the firearm on behalf of  
3 the qualifying member of the office of state police.

4 \* \* \*

5 §2185. Retirement; purchase of firearm

6 Any sheriff or deputy sheriff who retires with at least sixteen years of active  
7 service and who is in good standing with the Louisiana Sheriffs' Pension and Relief  
8 Fund shall be entitled to purchase his firearm at fair market value upon retirement,  
9 subject to approval by the sheriff. In accordance with the provisions of this Section,  
10 an immediate family member shall be entitled to purchase the firearm on behalf of  
11 a qualifying sheriff or deputy sheriff if the sheriff or deputy sheriff was unable to do  
12 so prior to his death. The provisions of this Section shall not apply if the family  
13 member is prohibited from possessing a firearm under the provisions of R.S. 14:95.1  
14 or any other state or federal law. If more than one immediate family member seeks  
15 to purchase the firearm, the oldest immediate family member who seeks to purchase  
16 the firearm shall be entitled to purchase the firearm on behalf of the qualifying  
17 sheriff or deputy sheriff.

18 \* \* \*

19 §2235. Retirement; purchase of firearm

20 Any municipal police officer who retires with at least twenty years of active  
21 service and who is in good standing with the Municipal Police Employees'  
22 Retirement System shall be entitled to purchase his firearm at fair market value upon  
23 retirement, subject to approval by the chief of police. In accordance with the  
24 provisions of this Section, an immediate family member shall be entitled to purchase  
25 the firearm on behalf of a qualifying municipal police officer if the officer was  
26 unable to do so prior to his death. The provisions of this Section shall not apply if the  
27 family member is prohibited from possessing a firearm under the provisions of R.S.  
28 14:95.1 or any other state or federal law. If more than one immediate family  
29 member seeks to purchase the firearm, the oldest immediate family member who

1       seeks to purchase the firearm shall be entitled to purchase the firearm on behalf of  
2       the qualifying municipal police officer.

3       Section 2. R.S. 40:1665.4 is hereby enacted to read as follows:

4       §1665.4. Duty firearm of law enforcement officer killed in line of duty

5               The immediate family member of a law enforcement officer as defined by  
6       R.S. 40:1665.2(B)(1),(2), and (3) who suffers death as a result of an injury arising  
7       out of and in the course of the performance of his official duties as a law  
8       enforcement officer shall be entitled to purchase his duty firearm at fair market  
9       value, subject to the approval of the head of the law enforcement agency. The  
10       provisions of this Section shall not apply if the family member is prohibited from  
11       possessing a firearm under the provisions of R.S. 14:95.1 or any other state or federal  
12       law. If more than one immediate family member seeks to purchase the firearm, the  
13       oldest immediate family member who seeks to purchase the firearm shall be entitled  
14       to purchase the firearm on behalf of the qualifying law enforcement officer.

#### 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 93 Engrossed

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 provides 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 on behalf of the qualifying state trooper, sheriff, deputy sheriff, or municipal police officer.

(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 a firearm under any present state 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.