2017 Regular Session

HOUSE BILL NO. 93

## BY REPRESENTATIVE MIGUEZ AND SENATOR THOMPSON

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.(1) Any member of the system who is a commissioned member of the
12	office of state police who has at least twenty years of active service and who retires
13	under the provisions of this Section shall be entitled to purchase his firearm at fair
14	market value, upon retirement, subject to the approval of the deputy secretary of
15	public safety services of the department. If the qualifying member was unable to
16	purchase his firearm prior to his death, an immediate family member listed in
17	Paragraph (2) of this Subsection has the right of first refusal to purchase the firearm
18	unless the immediate family member is prohibited from possessing a firearm under
19	the provisions of R.S. 14:95.1 or any other state or federal law.
20	(2) Unless the deceased officer has designated a specific immediate family
21	member as the beneficiary to purchase his firearm upon his death, the following
22	immediate family members have the right of first refusal to purchase the firearm in
23	the following order of precedence:

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(a) The surviving spouse of the deceased officer.

2	(b) A child of the deceased officer. If more than one child seeks to purchase
3	the firearm, the oldest child who seeks to purchase the firearm precedes all other
4	children who seek to purchase the firearm in the right of first refusal.
5	(c) A parent of the deceased officer.
6	(d) A sibling of the deceased officer. If more than one sibling seeks to
7	purchase the firearm, the oldest sibling who seeks to purchase the firearm precedes
8	all other siblings who seek to purchase the firearm in the right of first refusal.
9	(3) If the firearm is part of an ongoing investigation or is being used or is
10	needed as evidence, the provisions of this Subsection do not apply until the firearm
11	is no longer part of the investigation or is no longer needed or being used as
12	evidence. In such case, the immediate family member with the right of first refusal
13	to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.
14	* * *
15	§2185. Retirement; purchase of firearm
16	A. Any sheriff or deputy sheriff who retires with at least sixteen years of
17	active service and who is in good standing with the Louisiana Sheriffs' Pension and
18	Relief Fund shall be entitled to purchase his firearm at fair market value upon
19	retirement, subject to approval by the sheriff. If the qualifying sheriff or deputy
20	sheriff was unable to purchase his firearm prior to his death, an immediate family
21	member listed in Subsection B of this Section has the right of first refusal to
22	purchase the firearm unless the immediate family member is prohibited from
23	possessing a firearm under the provisions of R.S. 14:95.1 or any other state or federal
24	<u>law.</u>
25	B. Unless the deceased sheriff or deputy sheriff has designated a specific
26	immediate family member as the beneficiary to purchase his firearm upon his death,
27	the following immediate family members have the right of first refusal to purchase
28	the firearm in the following order of precedence:
29	(1) The surviving spouse of the deceased sheriff or deputy sheriff.

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1	(2) A child of the deceased sheriff or deputy sheriff. If more than one child
2	seeks to purchase the firearm, the oldest child who seeks to purchase the firearm
3	precedes all other children who seek to purchase the firearm in the right of first
4	refusal.
5	(3) A parent of the deceased sheriff or deputy sheriff.
6	(4) A sibling of the deceased sheriff or deputy sheriff. If more than one
7	sibling seeks to purchase the firearm, the oldest sibling who seeks to purchase the
8	firearm precedes all other siblings who seek to purchase the firearm in the right of
9	first refusal.
10	C. If the firearm is part of an ongoing investigation or is being used or is
11	needed as evidence, the provisions of this Subsection do not apply until the firearm
12	is no longer part of the investigation or is no longer needed or being used as
13	evidence. In such case, the immediate family member with the right of first refusal
14	to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.
15	* * *
16	§2235. Retirement; purchase of firearm
17	A. Any municipal police officer who retires with at least twenty years of
18	active service and who is in good standing with the Municipal Police Employees'
19	Retirement System shall be entitled to purchase his firearm at fair market value upon
20	retirement, subject to approval by the chief of police. If the qualifying municipal
21	police officer was unable to purchase his firearm prior to his death, an immediate
22	family member listed in Subsection B of this Section has the right of first refusal to
23	purchase the firearm unless the immediate family member is prohibited from
24	possessing a firearm under the provisions of R.S. 14:95.1 or any other state or federal
25	<u>law.</u>
26	B. Unless the deceased officer has designated a specific immediate family
27	member as the beneficiary to purchase his firearm upon his death, the following
28	immediate family members have the right of first refusal to purchase the firearm in
29	the following order of precedence:

(1) The surviving spouse of the deceased officer.

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1	(2) A child of the deceased officer. If more than one child seeks to purchase
2	the firearm, the oldest child who seeks to purchase the firearm precedes all other
3	children who seek to purchase the firearm in the right of first refusal.
4	(3) A parent of the deceased officer.
5	(4) A sibling of the deceased officer. If more than one sibling seeks to
6	purchase the firearm, the oldest sibling who seeks to purchase the firearm precedes
7	all other siblings who seek to purchase the firearm in the right of first refusal.
8	C. If the firearm is part of an ongoing investigation or is being used or is
9	needed as evidence, the provisions of this Subsection do not apply until the firearm
10	is no longer part of the investigation or is no longer needed or being used as
11	evidence. In such case, the immediate family member with the right of first refusal
12	to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.
13	Section 2. R.S. 40:1665.4 is hereby enacted to read as follows:
14	§1665.4. Duty firearm of law enforcement officer killed in line of duty
15	A. An immediate family member listed in Subsection B of this Section of a
16	law enforcement officer as defined by R.S. 40:1665.2(B)(1),(2), and (3) who suffers
17	death as a result of an injury arising out of and in the course of the performance of
18	his official duties as a law enforcement officer has the right of first refusal to
19	purchase his duty firearm at fair market value, subject to the approval of the head of
20	the law enforcement agency, unless the family member is prohibited from possessing
21	a firearm under the provisions of R.S. 14:95.1 or any other state or federal law.
22	B. Unless the deceased officer has designated a specific immediate family
23	member as the beneficiary to purchase his firearm upon his death, the following
24	immediate family members have the right of first refusal to purchase the firearm in
25	the following order of precedence:
26	(1) The surviving spouse of the deceased officer.
27	(2) A child of the deceased officer. If more than one child seeks to purchase
28	the firearm, the oldest child who seeks to purchase the firearm precedes all other
29	children who seek to purchase the firearm in the right of first refusal.
30	(3) A parent of the deceased officer.

(4) A sibling of the deceased officer. If more than one sibling seeks to purchase the firearm, the oldest sibling who seeks to purchase the firearm precedes all other siblings who seek to purchase the firearm in the right of first refusal. C. If the firearm is part of an ongoing investigation or is being used or is needed as evidence, the provisions of this Subsection do not apply until the firearm is no longer part of the investigation or is no longer needed or being used as 7 evidence. In such case, the immediate family member with the right of first refusal to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: \_\_\_\_\_

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