2018 Regular Session

HOUSE BILL NO. 732

BY REPRESENTATIVE TALBOT

CRIMINAL/RECORDS: Provides for the reporting of certain court orders to be included in the National Instant Criminal Background Check System database

1	AN ACT		
2	To amend and reenact R.S. 13:753(A)(2) and (3), relative to information reported to the		
3	Louisiana Supreme Court; to provide relative to information reported to the		
4	Louisiana Supreme Court for reporting to the National Instant Criminal Background		
5	Check System database; to provide for the reporting of verdicts of acquittal by		
6	reason of insanity; to provide for the reporting of a court's determination that a		
7	person does not have the mental capacity to proceed with a criminal trial; and to		
8	provide for related matters.		
9	Be it enacted by the Legislature of Louisiana:		
10	Section 1. R.S. 13:753(A)(2) and (3) are hereby amended and reenacted to read as		
11	follows:		
12	§753. Reporting of information to Louisiana Supreme Court for NICS database;		
13	possession of a firearm		
14	A. Effective January 1, 2014, each district clerk of court shall report to the		
15	Louisiana Supreme Court for reporting to the National Instant Criminal Background		
16	Check System database the name and other identifying information of any adult who		
17	is prohibited from possessing a firearm pursuant to the laws of this state or 18 U.S.C.		
18	922(d)(4) and $(g)(4)$, (8) , and (9) , by reason of a conviction or adjudication in a court		
19	of that district for any of the following:		
20	* * *		

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1	(2) A verdict of an acquittal of a crime listed in R.S. $14:95.1(A)$ by reason
2	of insanity pursuant to the provisions of Chapter 2 of Title XXI of the Code of
3	Criminal Procedure.
4	(3) A court determination that a person does not have the mental capacity to
5	proceed with a criminal trial for a crime listed in R.S. 14:95.1(A) pursuant to the
6	provisions of Chapter 1 of Title XXI of the Code of Criminal Procedure.
7	* * *

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)]

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Abstract: Regarding persons prohibited from possessing a firearm, requires the reporting of an acquittal by reason of insanity or court determination that a person does not have the mental capacity to proceed with a criminal trial for any crime.

<u>Present law</u> requires each district clerk of court to report to the La. Supreme Court for reporting to the National Instant Criminal Background Check System database certain identifying information of any adult who is prohibited from possessing a firearm, by reason of a conviction or adjudication in a court of that district for any of the following:

- (1) A conviction of a crime listed in the provision of <u>present law</u> (R.S. 14:95.1) that prohibits the possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies.
- (2) A verdict of an acquittal of a crime listed in present law (R.S. 14:95.1) 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 <u>present law</u> (R.S. 14:95.1).
- (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.
- (6) A conviction for a felony violation of the crime of domestic abuse battery.

<u>Proposed law</u> amends <u>present law</u> to require the reporting of an acquittal by reason of insanity or a court determination that the person does not have the mental capacity to proceed with a criminal trial for any crime, instead of limiting it to only those crimes listed in the provision of <u>present law</u> that prohibits the possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies. <u>Proposed law</u> otherwise retains <u>present law</u>.

(Amends R.S. 13:753(A)(2) and (3))

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