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## DIGEST

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HB 780 Original

2016 Regular Session

Moreno

**Abstract:** Establishes court procedures for the transfer of firearms following certain criminal convictions or the issuance of a protective order where possession of firearms is prohibited.

Present law provides that a person shall not possess firearms upon conviction of certain offenses involving domestic violence or the issuance of a protective order.

Proposed law retains present law.

Proposed law provides that the court shall order the transfer of firearms possessed by a 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.
- (2) Any person convicted of possession of a firearm or carrying a concealed weapon by a person convicted of domestic abuse battery.
- (3) Any person against whom the court has issued a permanent injunction or a protective order.
- (4) Any person against whom the court has prohibited from possessing a firearm pursuant to a Uniform Abuse Prevention Order.

Proposed law provides that the person shall transfer firearms in their possession immediately but not later than 48 hours of the issuance of the court order, if the offender is incarcerated then immediately but not later than 48 hours of release.

Proposed law authorizes the court to designate a law enforcement agency in each judicial district, or a third party in some cases, to be the agency to receive the weapons which are transferred.

Proposed law provides procedures for a hearing if the person transferring the guns wishes to designate a third party to receive the guns, or if the court decides to have a hearing for any other reason.

Proposed law provides procedures for those firearms transferred regarding the transfer and return of the firearms.

(Adds C.Cr.P. Arts. 1001 - 1009)