

ACT No. 124

2016 Regular Session

HOUSE BILL NO. 624

BY REPRESENTATIVE MORENO

AN ACT

To amend and reenact R.S. 13:753(A)(introductory paragraph), (B), (C), and (D) and to enact R.S. 13:753(A)(6) and (E), relative to firearms; to require city and parish clerks of court to provide certain information to the Louisiana Supreme Court; to provide for mandatory reporting of convictions of certain offenses and judicial determinations which would prohibit persons from possessing, shipping, transporting, or receiving firearms pursuant to state and federal law; to provide relative to limitations of liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:753(A)(introductory paragraph), (B), (C), and (D) are hereby amended and reenacted and R.S. 13:753(A)(6) and (E) are hereby enacted to read as follows:

§753. Reporting of information to Louisiana Supreme Court for NICS database; possession of a firearm

A. Effective January 1, 2014, each district clerk of court shall report to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database the name and other identifying information of any adult who is prohibited from possessing a firearm pursuant to the laws of this state or 18 U.S.C. 922(d)(4) and (g)(4), (8), and (9), by reason of a conviction or adjudication in a court of that district for any of the following:

* * *

(6) A conviction for a violation of domestic abuse battery (R.S. 14:35.3) which is a felony.

B. Effective January 1, 2017, each city and parish clerk of court shall report to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database the name and other identifying information of

1 any adult who is prohibited from possessing a firearm pursuant to the laws of this
2 state or 18 U.S.C. 922(d)(4), (g)(4), (8), and (9), by reason of a conviction or
3 adjudication in a court of that district for any of the following:

4 (1) A conviction for a violation of domestic abuse battery (R.S. 14:35.3)
5 which is a misdemeanor.

6 (2) A verdict of an acquittal of a misdemeanor crime by reason of insanity
7 pursuant to the provisions of Chapter 2 of Title XXI of the Code of Criminal
8 Procedure.

9 (3) A court determination that a person does not have the mental capacity to
10 proceed with a criminal trial for a misdemeanor crime pursuant to the provisions of
11 Chapter 1 of Title XXI of the Code of Criminal Procedure.

12 (4) A court order prohibiting a person from possessing a firearm or
13 restricting a person in the use of a firearm.

14 ~~B.C.~~ The report shall be submitted to the Louisiana Supreme Court, in the
15 manner and form as directed by the supreme court, within ten business days of the
16 date of conviction, adjudication, or order of involuntary commitment.

17 ~~C.D.~~ The Louisiana Supreme Court shall, within fifteen business days of
18 receipt of the report, submit the information in the report to the National Instant
19 Criminal Background Check System database.

20 ~~D.E.~~ Except in the case of willful or wanton misconduct or gross negligence,
21 no city, parish, or district clerk of court shall be held civilly or criminally liable on
22 the basis of the accuracy, availability, or unavailability of any information reported
23 or required to be reported pursuant to this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____