

RÉSUMÉ DIGEST**ACT 124 (HB 624)****2016 Regular Session****Moreno**

Existing law (R.S. 14:95.1) provides that it is unlawful for any person to possess a firearm or to carry a concealed weapon who has been convicted of a crime of violence which is a felony or simple burglary, burglary of a pharmacy, burglary of an inhabited dwelling, unauthorized entry of an inhabited dwelling, felony illegal use of weapons or dangerous instrumentalities, manufacture or possession of a delayed action incendiary device, manufacture or possession of a bomb, or possession of a firearm while in the possession of or during the sale or distribution of a controlled dangerous substance, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony, or a sex offense, or any crime defined as an attempt to commit one of the above-enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above-enumerated crimes.

Existing law provides that this prohibition shall not apply if the person has not been convicted of any felony for a period of 10 years from the date of completion of sentence, probation, parole, or suspension of sentence.

New law retains existing law and requires that each district clerk of court report to the La. Supreme Court for reporting to the National Instant Criminal Background Check System (NICS) database the name and other identifying information of an adult who is prohibited from possessing a firearm under state or federal law, by reason of one of the following convictions or adjudications in a court of that clerk's district:

- (1) A conviction of a crime listed in R.S. 14:95.1(A).
- (2) A verdict of an acquittal of a crime listed in R.S. 14:95.1(A) 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 R.S. 14:95.1(A).
- (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.

New law retains these provisions of existing law and adds a conviction of domestic abuse battery to the list of reported convictions.

Existing law requires the clerk of court to submit this report to the La. Supreme Court within 10 business days of the date of conviction, adjudication, or order of involuntary commitment, and requires the La. Supreme Court to, within 15 business days of the receipt of that report, submit that information to the NICS database. Existing law further provides for a limitation of liability except in the case of willful or wanton misconduct or gross negligence.

New law retains existing law and provides for a similar reporting requirement for each city and parish clerk of court, effective Jan. 1, 2017.

New law requires that each city and parish clerk of court report to the La. Supreme Court for reporting to the National Instant Criminal Background Check System (NICS) database the name and other identifying information of an adult who is prohibited from possessing a firearm under state or federal law, by reason of one of the following convictions or adjudications in a court of that clerk's district:

- (1) A conviction of domestic abuse battery, which is a misdemeanor.
- (2) A verdict of an acquittal of a misdemeanor crime 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 misdemeanor crime.
- (4) A court order prohibiting a person from possessing a firearm or restricting a person from the use of a firearm.

New law further provides for a similar limitation of liability for city and parish clerks of court.

Effective August 1, 2016.

(Amends R.S. 13:753(A)(intro. para.), (B), (C), and (D); Adds R.S. 13:753(A)(6) and (E))