

Regular Session, 2014

HOUSE BILL NO. 673

BY REPRESENTATIVE ALFRED WILLIAMS

CRIME/ABUSE: Requires seizure of firearms following a domestic violence claim

1 AN ACT

2 To enact R.S. 46:2140.1, relative to protection from family violence; to require law
3 enforcement officers to seize firearms when responding to a claim of domestic
4 violence or abuse; to provide for the regaining of custody of the firearm; to provide
5 for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:2140.1 is hereby enacted to read as follows:

8 §2140.1. Law enforcement officers; additional duties; seizure of firearms

9 A. Whenever a law enforcement officer responds to a claim of domestic
10 abuse or domestic violence, the law enforcement officer shall immediately seize any
11 firearm possessed by the abusing party. Any firearm seized pursuant to the
12 provisions of this Subsection shall be retained by the seizing agency for a minimum
13 of forty-eight hours and may be retained longer if ordered by the court.

14 B. If the court does not order that the firearms be retained for longer than
15 forty-eight hours, the owner of the firearm may regain custody of the firearm by
16 appearing before the seizing agency and signing a form which indicates that the
17 owner is regaining custody of the firearm.

18 C. For the provisions of this Section, "firearm" means any pistol, revolver,
19 rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle

1 which is designed to fire or is capable of firing fixed cartridge ammunition or from
2 which a shot or projectile is discharged by an explosive.

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)]

Alfred Williams

HB No. 673

Abstract: Requires law enforcement officers to seize firearms in response to a claim of domestic violence or domestic abuse.

Proposed law provides that whenever a law enforcement officer responds to a claim of domestic abuse or domestic violence, the law enforcement officer shall immediately seize any firearm possessed by the abusing party for a minimum of 48 hours and may be retained longer if ordered by the court.

Proposed law provides that if the court does not order that the firearms be retained for longer than 48 hours, the owner of the firearm may regain custody of the firearm by appearing before the seizing agency and signing a form which indicates that the owner is regaining custody of the firearm.

Proposed law defines a "firearm" to mean any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

(Adds R.S. 46:2140.1)