

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

FAMILY VIOLENCE. Provides relative to the possession of firearms as it relates to persons convicted of domestic abuse battery or subject to a protective order

DIGEST

Present law provides for protection from family violence and provides for services for victims of abuse and the duties of law enforcement officers regarding abuse situations.

Proposed law provides that any person against whom the court has issued a permanent injunction or a protective order relative to domestic abuse shall be prohibited from possessing a firearm for the duration of the injunction or protective order if both of the following occur:

- (1) The permanent injunction or protective order includes a finding that the person subject to the permanent injunction or protective order represents a credible threat to the physical safety of a family member or household member.
- (2) The permanent injunction or protective order informs the person subject to the permanent injunction or protective order that the person is prohibited from possessing a firearm pursuant to both state and federal law.

Proposed law creates the crime of possession of a firearm or carrying of a concealed weapon by a person convicted of domestic abuse battery.

Proposed law provides penalties of imprisonment with or without hard labor for not less than one year nor more than five years and a fine of not less than \$500 nor more than \$1,000.

Proposed law provides that if 10 years has passed since the completion of the sentence for domestic abuse battery or from probation, parole, or suspension of sentence, it shall not be a violation of proposed law.

Proposed law provides that a person cannot be considered to have been convicted of domestic abuse battery for purposes of proposed law unless the person was represented by counsel in the case or knowingly and intelligently waived the right to counsel. Proposed law further provides that in the case of a prosecution for an offense described in proposed law for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either the case must have been tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

Proposed law directs the Judicial Administrator's Office of the Louisiana Supreme Court to amend the Uniform Abuse Prevention Order to notify and warn the person against whom the order is issued of the state and federal prohibitions relative to firearms and ammunition.

(Adds R.S. 14:95.10 and R.S. 46:2136.3)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

- 1. Deleted proposed law firearm seizure provisions.
- 2. Added criminal prohibition for possessing a firearm or carrying a concealed weapon by a person convicted of domestic abuse battery.

3. Added requirements for domestic abuse battery protective order and permanent injunction with respect to the prohibition of possessing a firearm.
4. Deleted proposed law amendment to the crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felony offenses.
5. Required the Judicial Administrator's Office of the Louisiana Supreme Court to amend the Uniform Abuse Prevention Order to include a reference to state law to those portions of the order which notify and warn the person against whom the order is issued of the federal prohibitions relative to firearms and ammunition.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the engrossed bill

1. Add provision relative to when a person is considered to have been convicted of domestic abuse battery.