

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 753 by Representative Moreno

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

### Synopsis of Senate Amendments

1. Requires that "each" Uniform Abuse Prevention Order contain language informing the person against whom the order is issued about the federal and state prohibitions regarding firearm possession.
2. Removes the requirement that a person had to be convicted by a jury of domestic abuse battery to be considered a conviction for purposes of proposed law.

### Digest of Bill as Finally Passed by Senate

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 in the case; and 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 was 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 each 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)