

2016 Regular Session

HOUSE BILL NO. 624

BY REPRESENTATIVE MORENO

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

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

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

20 \* \* \*

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

23 B. Effective January 1, 2017, each city and parish clerk of court shall report  
24 to the Louisiana Supreme Court for reporting to the National Instant Criminal  
25 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_