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HOUSE FLOOR AMENDMENTS

2018 Regular Session

Amendments proposed by Representative Marino to Reengrossed Senate Bill No. 231 by Senator Morrell

1 AMENDMENT NO. 1

2 On page 2, line 11, after "sentence." delete the remainder of the line and delete lines 12
3 through 15 in their entirety

4 AMENDMENT NO. 2

5 In Amendment No. 9 by the House Committee on Administration of Criminal Justice
6 (#3505), on page 1, line 26, after "**firearm**" delete the remainder of the line and at the
7 beginning of line 27, delete "**weapon**"

8 AMENDMENT NO. 3

9 On page 3, line 12, after "dollars." delete the remainder of the line and delete lines 13
10 through 16 in their entirety

11 AMENDMENT NO. 4

12 On page 4, line 8, after "**Title**" delete the remainder of the line, insert a colon ":" and insert
13 the following: "**(1) Firearm means any pistol, revolver, rifle, shotgun,**"

14 AMENDMENT NO. 5

15 On page 4, between lines 11 and 12, insert the following:

16 **"(2) Sheriff means the sheriff of the jurisdiction in which the**
17 **order was issued, unless the person resides outside of the jurisdiction in**
18 **which the order is issued. If the person resides outside of the jurisdiction**
19 **in which the order is issued, "sheriff" means the sheriff of the parish in**
20 **which the person resides."**

21 AMENDMENT NO. 6

22 On page 4, delete lines 13 through 17 in their entirety and insert the following:

23 **"A.(1) When a person is convicted of any of the following, the**
24 **judge shall order the transfer of all firearms and the suspension of a**
25 **concealed handgun permit of the person:"**

26 AMENDMENT NO. 7

27 On page 4, at the beginning of line 18, change "**(1)**" to "**(a)**"

28 AMENDMENT NO. 8

29 On page 4, at the beginning of line 19, change "**(2)**" to "**(b)**"

1 AMENDMENT NO. 9

2 On page 4, at the beginning of line 21, change "(3)" to "(c)"

3 AMENDMENT NO. 10

4 On page 4, at the beginning of line 23, change "(4)" to "(d)"

5 AMENDMENT NO. 11

6 On page 4, at the beginning of line 25, change "(5)" to "(e)"

7 AMENDMENT NO. 12

8 On page 4, between lines 27 and 28, insert the following:

9 "(2) Upon issuance of an injunction or order under any of the
10 following circumstances, the judge shall order the transfer of all
11 firearms and the suspension of a concealed handgun permit of the
12 person who is subject to the injunction or order:"

13 AMENDMENT NO. 13

14 On page 4, at the beginning of line 28, change "(6)" to "(a)"

15 AMENDMENT NO. 14

16 On page 5, delete line 4 in its entirety and insert the following:

17 "(b) The issuance of a Uniform Abuse Prevention Order that
18 includes terms that prohibit the person from possessing a firearm or
19 carrying a concealed weapon."

20 AMENDMENT NO. 15

21 On page 5, line 6, after "**conviction**" delete the remainder of the line, delete lines 7 and 8 in
22 their entirety, and insert the following:

23 "for any of the offenses listed in Subparagraph (A)(1) of this Article or
24 at the time the court issues an injunction or order under any of the
25 circumstances listed in Subparagraph (A)(2) of this Article."

26 AMENDMENT NO. 16

27 In Amendment No. 11 by the House Committee on Administration of Criminal Justice
28 (#3505), on page 2, line 14, change "D." to "D.(1)"

29 AMENDMENT NO. 17

30 On page 5, delete line 14 in its entirety and insert "possession to the sheriff"

31 AMENDMENT NO. 18

32 On page 5, at the beginning of line 15, delete "in which the order was issued"

33 AMENDMENT NO. 19

1 In Amendment No. 13 by the House Committee on Administration of Criminal Justice
2 (#3505), on page 2, line 22, after "form" and before "is" insert "required by Paragraph C
3 of this Article"

4 AMENDMENT NO. 20

5 On page 5, between lines 22 and 23, insert the following:

6 "(2) Within five days of transferring his firearms, exclusive of
7 legal holidays, the person shall file the proof of transfer form with the
8 clerk of court of the parish in which the order was issued."

9 AMENDMENT NO. 21

10 Delete Amendment No. 14 by the House Committee on Administration of Criminal Justice
11 (#3505)

12 AMENDMENT NO. 22

13 On page 5, delete lines 23 through 29 in their entirety and insert the following:

14 "E.(1) If the person subject to the order to transfer firearms and
15 suspend a concealed handgun permit issued pursuant to Paragraph A of
16 this Article does not possess or own firearms, at the time the order is
17 issued, the person shall complete a declaration of nonpossession form
18 which shall be filed in the court record and a copy shall be provided to
19 the sheriff.

20 (2) Within five days of the issuance of the order pursuant to
21 Paragraph A of this Article, exclusive of legal holidays, the person shall
22 file the declaration of nonpossession with the clerk of court of the parish
23 in which the order was issued."

24 AMENDMENT NO. 23

25 On page 6, delete lines 1 through 4 in their entirety and insert the following:

26 "F. The failure to provide the information required by this Title
27 may be punished by contempt of court. Information required to be
28 provided in order to comply with the provisions of this Title cannot be
29 used as evidence against that person in a future criminal proceeding,
30 except as provided by the laws on perjury or false swearing."

31 AMENDMENT NO. 24

32 On page 6, line 9, change "(a)" to "(a)(i)"

33 AMENDMENT NO. 25

34 On page 6, between lines 15 and 16, insert the following:

35 "(ii) If a firearm is transferred to a third party pursuant to the
36 provisions of this Subparagraph, the sheriff shall advise the third party
37 that return of the firearm to the person before the person is able to
38 lawfully possess the firearms pursuant to state or federal law may result
39 in the third party being charged with a crime."

40 AMENDMENT NO. 26

41 Delete House Committee Amendment Nos. 17 through 19.

1 AMENDMENT NO. 27

2 On page 7, delete lines 5 through 13 in their entirety and insert the following:

3 "D.(1) When the person is no longer prohibited from possessing
4 a firearm under state or federal law, the person whose firearms were
5 transferred pursuant to the provisions of this Title may file a motion
6 with the court seeking an order for the return of the transferred
7 firearms.

8 (2) Upon reviewing the motion, if the court determines that the
9 person is no longer prohibited from possessing a firearm under state or
10 federal law, the court shall issue an order stating that the firearms
11 transferred pursuant to the provisions of this Title shall be returned to
12 the person. The order shall include the date on which the person is no
13 longer prohibited from possessing a firearm and a copy of the order
14 shall be sent to the sheriff.

15 (3) No sheriff or third party to whom the firearms were
16 transferred pursuant to the provisions of this Title, shall return a
17 transferred firearm prior to receiving the order issued by the court
18 pursuant to the provisions of this Paragraph.

19 (4) After a firearm is returned pursuant to the provisions of this
20 Paragraph, the sheriff shall destroy the records pertaining to the
21 returned firearms and instruct the clerk of court of that parish to
22 destroy the pertinent records."

23 AMENDMENT NO. 28

24 On page 7, line 17, after "negligence" and before the period "." insert the following:

25 "or for damage caused by the third party to whom the firearms were
26 transferred pursuant to the provisions of this Title."