HLS 18RS-2096 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 776

1

BY REPRESENTATIVE SMITH

CRIME: Prohibits the possession of firearms in certain cases involving stalking

AN ACT

2	To enact R.S. 14:40.2(F)(5) and 95.10(A)(5), relative to the crime of stalking; to provide for
3	penalties; to provide relative to protective orders; to prohibit the possession of
4	firearms under certain circumstances; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. $14:40.2(F)(5)$ and $95.10(A)(5)$ are hereby enacted to read as follows:
7	§40.2. Stalking
8	* * *
9	F.
0	* * *
1	(5) If a protective order is issued pursuant to the provisions of this
12	Subsection, the court shall also order that the defendant be prohibited from
13	possessing a firearm for the duration of the Uniform Abuse Prevention Order.
4	* * *
15	§95.10. Possession of a firearm or carrying of a concealed weapon by a person
16	convicted of domestic abuse battery and certain offenses of battery of a
17	dating partner
18	A. It is unlawful for any person who has been convicted of any of the
19	following offenses to possess a firearm or carry a concealed weapon:
20	* * *

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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(5) Stalking (R.S. 14:40.2).

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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)]

HB 776 Original

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2018 Regular Session

Smith

Abstract: Authorizes the court to order that a defendant convicted of stalking be prohibited from possessing a firearm for the duration of the Uniform Abuse Prevention Order.

<u>Present law</u> provides, relative to the crime of stalking, that the court may, in addition to any penalties imposed pursuant to <u>present law</u>, grant a protective order which directs the defendant to refrain from abusing, harassing, interfering with the victim or the employment of the victim, or being physically present within a certain distance of the victim.

<u>Proposed law</u> retains <u>present law</u> and authorizes the court to order that the defendant be prohibited from possessing a firearm for the duration of the Uniform Abuse Prevention Order.

<u>Present law</u> prohibits any person who has been convicted of domestic abuse battery, a second or subsequent offense of battery of a dating partner, or battery of a dating partner when the offense involves strangulation or burning, from possessing a firearm or carrying a concealed weapon.

<u>Proposed law</u> retains <u>present law</u> and adds the crime of stalking (R.S. 14:40.2) to this list of crimes the conviction of which results in the prohibition of the possession of a firearm.

(Adds R.S. 14:40.2(F)(5) and 95.10(A)(5))