

2016 Regular Session

HOUSE BILL NO. 321

BY REPRESENTATIVE IVEY

WEAPONS/FIREARMS: Provides for the reporting of information concerning persons prohibited from possessing firearms

1 AN ACT

2 To enact R.S. 46:56.1, relative to records of persons prohibited from possessing firearms;
3 to provide relative to determinations which would prohibit persons from possessing,
4 shipping, transporting, or receiving firearms pursuant to state and federal law; to
5 require the submission of certain records to the Louisiana Supreme Court; to provide
6 that the release of such information does not violate patient confidentiality; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:56.1 is hereby enacted to read as follows:

10 §56.1. Reporting of certain case records; confidentiality waiver

11 A.(1) Notwithstanding any other provision of law to the contrary, the
12 Department of Health and Hospitals, the Department of Children and Family
13 Services, or the office of elderly affairs, for the purpose of adult protective services,
14 shall report upon request to the Louisiana Supreme Court for reporting to the
15 National Instant Criminal Background Check System database the name and any
16 other identifying information contained in case records of any adult that may be
17 prohibited from possessing a firearm pursuant to the laws of this state or 18 U.S.C.
18 922(d)(4) and (g)(4).

1 (2)(a) The department shall provide the Louisiana Supreme Court with the
2 name of the court which issued the commitment order and the docket number of the
3 proceeding if that information is in the possession of the department.

4 (b) In addition, the department shall provide the following available
5 information regarding the client:

6 (i) Name.

7 (ii) Date of birth.

8 (iii) Alias names, if any.

9 (iv) Social security number.

10 (v) Sex.

11 (vi) Race.

12 B. The department shall provide all documents in its possession as
13 authorized by the provisions of this Section upon request of the court and within a
14 reasonable time period regardless of when the court proceedings occurred.

15 C. The providing of the information as required by the provisions of this
16 Section shall not be construed to violate the confidentiality provisions of R.S. 46:56
17 or any other law regarding client confidentiality.

18 D. For the purposes of this Section, "department" means the Department of
19 Health and Hospitals, the Department of Children and Family Services, and the
20 office of elderly affairs, for the purposes of adult protection services as provided in
21 R.S. 15:1503(4).

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 321 Original

2016 Regular Session

Ivey

Abstract: Requires certain state agencies to report all information in its case files on persons who may be prohibited from possessing a firearm.

Proposed law requires the Dept. of Health and Hospitals, the Dept. of Children and Family Services, and the office of elderly affairs to report to the La. Supreme Court any information in its possession on any adult which may be prohibited from possessing a firearm. That information shall be provided upon request of the court and in a reasonable time period.

Provides that proposed law does not violate any present law provisions regarding client confidentiality.

(Adds R.S. 46:56.1)