

2018 Regular Session

HOUSE BILL NO. 776

BY REPRESENTATIVE SMITH

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

1 AN ACT

2 To enact R.S. 14:40.2(F)(5), relative to the crime of stalking; to provide for penalties; to

3 provide relative to protective orders; to prohibit the possession of firearms under

4 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) is hereby enacted to read as follows:

7 §40.2. Stalking

8 \* \* \*

9 F.

10 \* \* \*

11 (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.

14 \* \* \*

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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)]

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HB 776 Engrossed

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.

Present law provides, relative to the crime of stalking, that the court may, in addition to any penalties imposed pursuant to present law, 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.

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

(Adds R.S. 14:40.2(F)(5))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove from proposed law the addition of the crime of stalking to the present law list of crimes for which a conviction results in prohibiting the offender from possessing a firearm.