

2019 Regular Session

HOUSE BILL NO. 101

BY REPRESENTATIVE JIMMY HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/FIREARMS: Provides for the creation of the "Louisiana Voluntary Do Not Sell List"

1 AN ACT

2 To enact R.S. 13:753.1 and R.S. 14:95.1.5, relative to firearms; to provide for the creation
3 of the "Louisiana Voluntary Do Not Sell List"; to provide for the duties of the office
4 of state police; to provide procedures for being added to and removed from the list;
5 to provide for the confidentiality of the list and registration records; to prohibit
6 persons on the list from purchasing or receiving a firearm; to prohibit the intentional
7 transfer of a firearm to a person who is known to be on the list; to provide for
8 penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:753.1 is hereby enacted to read as follows:

11 §753.1. "Louisiana Voluntary Do Not Sell List"; registration; reporting to NICS;
12 prohibitions on purchase or sale of firearms; and confidentiality

13 A. By January 1, 2020, the Department of Public Safety and Corrections,
14 office of state police, shall create the "Louisiana Voluntary Do Not Sell List" which
15 shall include a list of persons who voluntarily register to be added to this list which
16 prohibits them from purchasing or receiving a firearm. In this regard, the office of
17 state police shall do all of the following:

1 (1) Develop and implement a process by which any person in the United
2 States may register to have his own name placed on the Louisiana Voluntary Do Not
3 Sell List. The office of state police shall ensure that this process does all of the
4 following:

5 (a) Allows each person seeking to register to do so confidentially through
6 electronic means.

7 (b) Verifies the identity of the person seeking to register and have his name
8 placed on the Louisiana Voluntary Do Not Sell List.

9 (c) Prevents unauthorized disclosures of personal information of any
10 registering person.

11 (d) Informs any registering person of the legal effects of registration and
12 having his name added to the list.

13 (e) Allows the registering person, at the time of registration or at anytime
14 thereafter, to submit email addresses of personal contacts who shall be notified that
15 the person has registered for the Louisiana Voluntary Do Not Sell List. The personal
16 contacts submitted by the registering person shall also be notified if the registering
17 person subsequently seeks to rescind his registration. Providing the email addresses
18 of personal contacts for these purposes constitutes an authorization by the registering
19 person to use this information for these specific purposes.

20 (f) Subject to the provisions of Subsection C of this Section, allows a person
21 who has registered to request that his name be removed from the Louisiana
22 Voluntary Do Not Sell List.

23 (3) Maintain and update the Louisiana Voluntary Do Not Sell List and
24 ensure that the information contained therein is reflected in the National Instant
25 Criminal Background Check System database.

26 B.(1) Upon implementation of the process described in Subsection A of this
27 Section, any person may voluntarily register to be added to the Louisiana Voluntary
28 Do Not Sell List.

1 (2)(a) Any person who registers and whose name appears on the Louisiana
2 Voluntary Do Not Sell List shall be prohibited from purchasing or receiving a
3 firearm.

4 (b) Any person who violates the provisions of this Paragraph shall be subject
5 to the provisions of R.S. 14:95.1.5.

6 (3)(a) No person shall knowingly sell or transfer a firearm to any individual
7 who the person knows to be registered on the Louisiana Voluntary Do Not Sell List.

8 (b) Any person who violates the provisions of this Paragraph shall be subject
9 to the provisions of R.S. 14:95.1.4.

10 C.(1) Any person who has registered and whose name is added to the
11 Louisiana Voluntary Do Not Sell List may subsequently request through the process
12 developed by the office of state police that his name before removed from the list.

13 (2) The office of state police shall not remove the registrant's name until
14 twenty-one days after the day on which the office of state police receives the request
15 to be removed from the Louisiana Voluntary Do Not Sell List.

16 (3) Immediately upon the removal of the person's name from the Louisiana
17 Voluntary Do Not Sell List, the office of state police shall do all of the following:

18 (a) Ensure that the person's name is no longer reflected in the National
19 Instant Criminal Background Check System database as part of the Louisiana
20 Voluntary Do Not Sell List.

21 (b) Destroy all records of the registration, associated transactions, and the
22 request for removal of that person's name from the Louisiana Voluntary Do Not Sell
23 List.

24 D.(1) Any person who has registered and whose name is added to the
25 Louisiana Voluntary Do Not Sell List may file a petition in the 19th Judicial District
26 Court requesting to have the person's name immediately removed from the Louisiana
27 Voluntary Do Not Sell List.

28 (2) A hearing shall be held within forty-eight hours of the filing of the
29 petition.

1 (3) If the judge finds that the person is not at elevated suicide risk or has a
2 specific and compelling need for a firearm in less than twenty-one days, the judge
3 shall order that the person's name be immediately removed from the Louisiana
4 Voluntary Do Not Sell List.

5 (4) A copy of the order shall be immediately provided to the office of state
6 police. Upon receipt of the order, the office of state police shall immediately ensure
7 that the person's name is no longer reflected in the National Instant Criminal
8 Background Check System database as part of the Louisiana Voluntary Do Not Sell
9 List and destroy all records of the person's registration and associated transactions.

10 E.(1) Other than for the purposes provided in this Section, information
11 contained in the Louisiana Voluntary Do Not Sell List is confidential.

12 (2) No person shall inquire as to whether a person has requested to be added
13 to the list, is included on the list, has requested to be removed from the list, or has
14 been removed from the list for purposes of employment, education, housing,
15 insurance, governmental benefits, or contracting, nor shall any person or entity take
16 any adverse action against the person based on upon that information.

17 (3) Any person whose confidentiality is violated as described in Paragraph
18 (2) of this Subsection may file a civil action for appropriate relief, including
19 reasonable attorney fees, for each violation that occurs.

20 F. The Department of Public Safety and Corrections, office of state police
21 shall adopt rules and regulations, in accordance with the Administrative Procedure
22 Act, as are necessary to implement the provisions of this Section.

23 Section 2. R.S. 14:95.1.5 is hereby enacted to read as follows:

24 §95.1.5. Illegal purchase or receipt of a firearm; Louisiana Voluntary Do Not Sell
25 List

26 A. Any person who has registered and whose name appears on the Louisiana
27 Voluntary Do Not Sell List pursuant to the provisions of R.S. 13:753.1 shall be
28 prohibited from purchasing or receiving a firearm.

- 1 B. Any person who violates the provisions of this Section may be fined not
 2 more than two thousand five hundred dollars, imprisoned for not more than one year,
 3 or both.

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 101 Original

2019 Regular Session

Jimmy Harris

Abstract: Requires the office of state police to create the La. Voluntary Do Not Sell List, which prohibits persons on the list from purchasing a firearm and prohibits persons from selling a firearm to a person known to be on the list, and further provides for the confidentiality of the list and registration information.

Proposed law requires the Dept. of Public Safety and Corrections, office of state police, by Jan. 1, 2020, to create the "La. Voluntary Do Not Sell List" which shall include a list of persons who have voluntarily registered to be added to this list which prohibits them from purchasing or receiving a firearm.

In this regard, proposed law does all of the following:

- (1) Requires state police to develop and implement a process by which any person may voluntarily and confidentially register to have his name added to or removed from the list and provides certain requirements for the process.
- (2) Allows the registrant to submit email addresses of personal contacts who shall be notified that the person has registered for the La. Voluntary Do Not Sell List or has requested to be removed from the list.
- (3) Requires state police to maintain and update the La. Voluntary Do Not Sell List and ensure that the information contained therein is reflected in the National Instant Criminal Background Check System database.
- (4) Prohibits any person who registers and whose name appears on the Louisiana Voluntary Do Not Sell List from purchasing or receiving a firearm, and provides that any person who violates this provision of proposed law may be fined up to \$2,500, imprisoned for up to one year, or both.
- (5) Prohibits any person from knowingly selling or transferring a firearm to any individual who the person knows to be registered on the La. Voluntary Do Not Sell List, and provides that any person violates this provision shall be subject to the penalties provided in the present law crime which prohibits any person from knowingly transferring a firearm to a prohibited possessor. This present law crime provides for a fine of up to \$2,500, imprisonment for up to one year, or both.
- (6) Provides a procedure by which a person may have their name removed from the La. Voluntary Do Not Sell List twenty-one days after such request is received by state police.
- (7) Authorizes a procedure by which a person may have their name immediately removed from the La. Voluntary Do Not Sell List by filing a petition in the 19th JDC. In this regard, proposed law provides that a hearing shall be held within 48 hours of

- the filing of the petition and if the judge finds that the person is not at elevated suicide risk or has a specific and compelling need for a firearm in less than 21 days, the judge shall order that the person's name be immediately removed from the La. Voluntary Do Not Sell List.
- (8) Immediately upon the removal of a person's name from the La. Voluntary Do Not Sell List, state police shall ensure that the person's name is no longer reflected in the National Instant Criminal Background Check System database and destroy all records of the person's registration and associated transactions.
- (9) Provides that the information contained in the La. Voluntary Do Not Sell List is confidential and prohibits any person from inquiring as to whether a person has requested to be added to the list, is on the list, has requested to be removed from the list, or has been removed from the list for purposes of employment, education, housing, insurance, governmental benefits, or contracting.
- (10) Provides that a person whose confidentiality is violated as described in proposed law may file a civil action for appropriate relief, including reasonable attorney fees, for each violation that occurs.
- (11) Requires state police to adopt rules and regulations, in accordance with the Administrative Procedure Act, as are necessary to implement proposed law.
- (Adds R.S. 13:753.1 and R.S. 14:95.1.5)