
DIGEST

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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)