

Regular Session, 2014

HOUSE BILL NO. 17

BY REPRESENTATIVE LOPINTO

WEAPONS/FIREARMS: Provides relative to the illegal possession of stolen firearms

1 AN ACT

2 To amend and reenact R.S. 14:69.1(A), relative to illegal possession of stolen firearms; to
3 amend the elements of the crime; to provide for an affirmative defense; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:69.1(A) is hereby amended and reenacted to read as follows:

7 §69.1. Illegal possession of stolen firearms

8 A.(1) Illegal possession of stolen firearms is the intentional possessing,
9 procuring, receiving, or concealing of a firearm which has been the subject of any
10 ~~robbery or theft under circumstances which indicate that the offender knew or should~~
11 ~~have known that the firearm was the subject of a robbery or theft~~ form of
12 misappropriation.

13 (2) It shall be an affirmative defense to a prosecution for a violation of this
14 Section that the offender had no knowledge that the firearm was the subject of any
15 form of misappropriation.

16 (3) It shall be an affirmative defense to a prosecution for a violation of this
17 Section that the alleged offender has or had possession of the firearm pursuant to his
18 regular course of business, is in possession of a valid federal firearms license, is
19 routinely in the possession of firearms for sale, pawn, lease, rent, repair,
20 modification, or other legitimate acts as part of his normal scope of business
21 operations, and is enforcing a privilege pursuant to R.S. 9:4502.

22 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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)]

Lopinto

HB No. 17

Abstract: Provides for an affirmative defense for the crime of illegal possession of stolen firearms and amends the elements of this crime.

Present law provides for the crime of illegal possession of stolen firearms.

Present law provides that illegal possession of stolen firearms is the intentional possessing, procuring, receiving, or concealing of a firearm which has been the subject of any robbery or theft under circumstances which indicate that the offender knew or should have known that the firearm was the subject of a robbery or theft.

Proposed law changes the elements of the crime to include any misappropriation and not only robbery or theft.

Proposed law further provides that it shall be an affirmative defense to a prosecution for illegal possession of stolen firearms that the offender had no knowledge that the firearm was the subject of any form of misappropriation.

Proposed law further provides that it shall be an affirmative defense to a prosecution for illegal possession of stolen firearms that the alleged offender has or had possession of the firearm pursuant to his regular course of business, is in possession of a valid federal firearms license, is routinely in the possession of firearms for sale, pawn, lease, rent, repair, modification, or other legitimate acts as part of his normal scope of business operations, and is enforcing a privilege.

(Amends R.S. 14:69.1(A))

Summary of Amendments Adopted by House

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

1. Added affirmative defense for firearms dealers or repairmen when enforcing a repairman's lien.