

2017 Regular Session

HOUSE BILL NO. 93

BY REPRESENTATIVE MIGUEZ AND SENATOR THOMPSON

1 AN ACT

2 To amend and reenact R.S. 11:1307(B), 2185, and 2235 and to enact R.S. 40:1665.4, relative  
3 to law enforcement officers; to authorize an immediate family member of a qualified  
4 law enforcement officer to purchase his duty firearm upon death; to provide for  
5 certain criteria; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 11:1307(B), 2185, and 2235 are hereby amended and reenacted to  
8 read as follows:

9 §1307. Persons eligible to retire on basis of service and age; retirement benefits

10 \* \* \*

11 B.(1) Any member of the system who is a commissioned member of the  
12 office of state police who has at least twenty years of active service and who retires  
13 under the provisions of this Section shall be entitled to purchase his firearm at fair  
14 market value, upon retirement, subject to the approval of the deputy secretary of  
15 public safety services of the department. If the qualifying member was unable to  
16 purchase his firearm prior to his death, an immediate family member listed in  
17 Paragraph (2) of this Subsection has the right of first refusal to purchase the firearm  
18 unless the immediate family member is prohibited from possessing a firearm under  
19 the provisions of R.S. 14:95.1 or any other state or federal law.

20 (2) Unless the deceased officer has designated a specific immediate family  
21 member as the beneficiary to purchase his firearm upon his death, the following  
22 immediate family members have the right of first refusal to purchase the firearm in  
23 the following order of precedence:





1                   (2) A child of the deceased officer. If more than one child seeks to purchase  
 2                   the firearm, the oldest child who seeks to purchase the firearm precedes all other  
 3                   children who seek to purchase the firearm in the right of first refusal.

4                   (3) A parent of the deceased officer.

5                   (4) A sibling of the deceased officer. If more than one sibling seeks to  
 6                   purchase the firearm, the oldest sibling who seeks to purchase the firearm precedes  
 7                   all other siblings who seek to purchase the firearm in the right of first refusal.

8                   C. If the firearm is part of an ongoing investigation or is being used or is  
 9                   needed as evidence, the provisions of this Subsection do not apply until the firearm  
 10                  is no longer part of the investigation or is no longer needed or being used as  
 11                  evidence. In such case, the immediate family member with the right of first refusal  
 12                  to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.

13                  Section 2. R.S. 40:1665.4 is hereby enacted to read as follows:

14                  §1665.4. Duty firearm of law enforcement officer killed in line of duty

15                  A. An immediate family member listed in Subsection B of this Section of a  
 16                  law enforcement officer as defined by R.S. 40:1665.2(B)(1),(2), and (3) who suffers  
 17                  death as a result of an injury arising out of and in the course of the performance of  
 18                  his official duties as a law enforcement officer has the right of first refusal to  
 19                  purchase his duty firearm at fair market value, subject to the approval of the head of  
 20                  the law enforcement agency, unless the family member is prohibited from possessing  
 21                  a firearm under the provisions of R.S. 14:95.1 or any other state or federal law.

22                  B. Unless the deceased officer has designated a specific immediate family  
 23                  member as the beneficiary to purchase his firearm upon his death, the following  
 24                  immediate family members have the right of first refusal to purchase the firearm in  
 25                  the following order of precedence:

26                   (1) The surviving spouse of the deceased officer.

27                   (2) A child of the deceased officer. If more than one child seeks to purchase  
 28                   the firearm, the oldest child who seeks to purchase the firearm precedes all other  
 29                   children who seek to purchase the firearm in the right of first refusal.

30                   (3) A parent of the deceased officer.

1                   (4) A sibling of the deceased officer. If more than one sibling seeks to  
 2                   purchase the firearm, the oldest sibling who seeks to purchase the firearm precedes  
 3                   all other siblings who seek to purchase the firearm in the right of first refusal.

4                   C. If the firearm is part of an ongoing investigation or is being used or is  
 5                   needed as evidence, the provisions of this Subsection do not apply until the firearm  
 6                   is no longer part of the investigation or is no longer needed or being used as  
 7                   evidence. In such case, the immediate family member with the right of first refusal  
 8                   to purchase the firearm may request the release of the firearm pursuant to R.S. 15:41.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_