

ACT No. 332

2017 Regular Session

HOUSE BILL NO. 93

BY REPRESENTATIVE MIGUEZ AND SENATOR THOMPSON

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

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

(2) Unless the deceased officer has designated a specific immediate family member as the beneficiary to purchase his firearm upon his death, the following immediate family members have the right of first refusal to purchase the firearm in 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____