

QUICK REFERENCE GUIDE TO FIREARMS PROHIBITIONS – Criminal Orders of Protection (v.14)

WHEN DO STATE AND/OR FEDERAL FIREARMS PROHIBITIONS APPLY?

Law (La. Criminal orders of protection)		Relationship <u>Required</u>	Notice, Finding by Court or other requirements	Elements of crime	Duration of prohibition	Firearm Transfer Order	Type of firearm
La. C.Cr. P. Art. 313 Gwen’s Law; bail hearing; detention without bail AND/OR Art. 320 Conditions of Bail	Firearms prohibition under: <u>STATE</u> La.C.Cr.P. Art. 320(H)	N/A	<u>LPOR 17</u> - Box F Finding of credible threat Domestic abuse, dating violence, stalking, sexual assault. The court shall consider whether defendant poses a threat or danger to the victim. If so , court shall require as condition of bail that defendant refrain from going to victim’s residence, school and place of employment; and from contacting victim in any manner. Court shall prohibit defendant from possessing a firearm.	Charged with an offense against a family or household member (R.S. 46:2132[4]) or dating partner (R.S. 46:2151) or is charged with domestic abuse battery (R.S. 14:35.3), battery of a dating partner (R.S.14:34.9), stalking (R.S. 14:40.2), cyberstalking (R.S. 14:40.3), sexual assault as defined in R.S. 46:2184, crime of violence (R.S. 14:2), violation of a protective order (R.S. 14:79), or unlawful communications (R.S. 14:285).	length of time order is in effect	Yes; and suspension of concealed firearm permit (see La.C.Cr. P. Art. 1001 et seq.)	any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive
	La. R.S. 46:1846	N/A	If order is issued, the court shall presume defendant is credible threat and shall prohibit possession of a firearm.	Charged by bill of information or indictment for a crime of violence or any felony sex offense, or felony human trafficking-related offense, or a felony offense committed against a family member, household member, or dating partner or an immediate family member of such victims.* (<i>*spouse, mother, father, aunt, uncle, sibling, or child of defendant whether related by blood, marriage or adoption</i>)	length of time order is in effect	Yes; and suspension of concealed firearm permit (see La.C.Cr. P. Art. 1001 et seq.)	any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive
	<u>FEDERAL 18</u> U.S.C. 922(g)(8)	<u>LPOR 17</u> Box C (any relationship listed) current or former spouse; current or former intimate cohabitant; child, stepchild, or foster child; child of defendant’s current or former intimate partner; protected person and defendant have child(ren) in common	<u>LPOR 17</u> - Box G Notice and opportunity for a hearing - Box G Finding of a credible threat OR item 1 is ordered by the court (restrains defendant from threats, etc. including use or threat of physical force)	N/A	length of time order is in effect	N/A	any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; does not include an antique firearm, and ammunition

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La. C.Cr. P. Art. 895 Conditions of probation AND La. C.Cr. P. Art. 871.1 Sentencing Orders	Firearms prohibition under: STATE La. R.S. 46:2136.3	<u>LPOR 17</u> Any listed in Box C or Box D current or former spouse; current or former intimate cohabitant; child, stepchild, or foster child; child of defendant's current or former intimate partner; parent, stepparent, foster parent; grandparent; grandchild; other ascendants or descendants, child currently or formerly living with defendant, protected person and defendant have child(ren) in common; current or former dating partner	<u>LPOR 17</u> Box H -Finding of credible threat	Convicted of any crime against a family or household member or dating partner	length of time order is in effect, i.e. duration of probationary period, duration of sentence, etc.	Yes; and suspension of concealed firearm permit (see La.C.Cr. P. Art. 1001 et seq.)	any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive
	R.S. 46:1846	N/A	If order is issued, the court shall presume defendant is credible threat and shall prohibit possession of a firearm.	Sentenced or found not guilty by reason of insanity for a crime of violence or felony sex offense or felony human trafficking related offense, or a felony offense committed against a family member, household member, or dating partner or an immediate family member of such victims.* (<i>*spouse, mother, father, aunt, uncle, sibling, or child of defendant whether related by blood, marriage or adoption</i>).	length of time order is in effect		
	R.S. 14:40.2	N/A	Box H -Finding of credible threat	Convicted of the crime of stalking	length of time order is in effect		
	R.S. 14:95.10	N/A	Box H -Finding of credible threat Box B , box under "Right to counsel" and either box under "Right to jury trial" are checked	Convicted of domestic abuse battery, or battery of a dating partner (on 1 st offense when such battery involves strangulation or burning) or 2 nd or subsequent offense of battery of a dating partner.	Domestic abuse battery and battery of a dating partner until conviction is expunged or set aside, or defendant is pardoned or has civil rights restored <u>or</u> ten years from the date of completion of sentence, probation, parole, or suspension of sentence		

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	<u>FEDERAL</u> 18 U.S.C. 922(g)(9)	<u>LPOR 17</u> Box C (any) or Box D (1 or 4) current or former spouse; current or former intimate cohabitant; child, stepchild, or foster child; child of defendant's current or former intimate partner; protected person and defendant have child(ren) in common; grandchild	<u>LPOR 17</u> Box B , box under "Right to counsel" and either box under "Right to jury trial" are checked	<u>Convicted</u> of any crime which has as an element the use of physical force, attempted use of physical force, or threatened use of a deadly weapon	permanent unless conviction is expunged or set aside, or defendant is pardoned or has civil rights restored	N/A	any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device.; does not include an antique firearm, and ammunition