

HB 709 -- Domestic Violence

Sponsor: Fraser

This bill changes the laws regarding domestic violence. Any person convicted of domestic assault is prohibited from possessing a firearm. Current law prohibits possession of a concealable firearm by any person convicted of a dangerous felony and prohibits the issuance of a permit to acquire a concealable weapon to any person convicted of a felony.

The possession of a firearm is prohibited by any person who is the subject of an order of protection that restrains the person from harassing, stalking, or threatening an intimate partner or a child of the intimate partner. The order of protection must have been made after a hearing, and the person must have received actual notice of the hearing and been provided an opportunity to participate. The order of protection must include in its finding of facts that the person represents a credible threat to the physical safety of an intimate partner or a child of the intimate partner.

The issuance of a permit to acquire a concealable weapon is prohibited to any person who:

- (1) Is the respondent of a full order of protection currently in effect;
- (2) Has been convicted of violating an order of protection; or
- (3) Has been convicted of domestic assault in the third degree. Current law prohibits the issuance of a permit to acquire a concealable weapon to any person convicted of domestic assault in the first or second degree, which are felony offenses.

A law enforcement officer is allowed to remove a firearm observed at the scene of an alleged act of domestic violence. If a firearm is removed, the owner must be provided with information about the process for retaking possession of the firearm; and the law enforcement officer must safely store the firearm while any court proceeding relating to the alleged act of domestic violence is pending. The owner of the firearm may retake possession of the firearm at the conclusion of the proceeding on the alleged act of domestic violence.