

HB 418 -- REPORTING OF DOMESTIC VIOLENCE

SPONSOR: Newman

Currently, the State Highway Patrol must compile an annual report of homicides and suicides related to domestic violence that must be presented to the Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate. This bill specifies that for the purposes of the report, domestic violence includes, but is not limited to, the occurrence of any acts, attempts, or threats against a person who may be protected under specified provisions regarding adult abuse.

The definition of "family" or "household member" is expanded to include an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim.

The bill allows a law enforcement officer to remove a firearm from the scene of an alleged act of domestic assault if:

- (1) The law enforcement officer has probable cause to believe that an act of domestic assault has occurred; and
- (2) The law enforcement officer has observed the firearm on the scene during the response.

If the law enforcement officer removes a firearm, the officer must:

- (1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and
- (2) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic assault.

The owner may retake possession of the firearm within 14 days of the conclusion of a proceeding on the alleged act unless he or she is ordered to surrender the firearm.

It must be unlawful to possess a firearm for a person who:

- (1) Is subject to a court order that:
 - (a) Was issued after a hearing of which the person received actual notice and at which the person had an opportunity to participate;
 - (b) Restrains the person from harassing, stalking, or threatening a family or household member of the person or a child of the family or household member or person or engaging in other conduct that

would place a family or household member in reasonable fear of bodily injury to the family or household member or child; and

(c) Includes a finding that the person represents a credible threat to the physical safety of the family or household member or a child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the family or household member or child that would reasonably be expected to cause bodily injury; or

(2) Has been found guilty of or pleaded guilty to a misdemeanor crime of domestic assault in a court of competent jurisdiction.

Any person who violates these provisions is guilty of a class D felony until December 31, 2016, and a class E felony beginning January 1, 2017.