

R.S. 14:95.10

POSSESSION OF A FIREARM

or carrying a concealed weapon by a person convicted of domestic abuse battery and certain offenses of battery of a dating partner



IMPORTANT

PLEASE READ BEFORE POSSESSING A FIREARM

(You can click on any of the [blue underlined](#) links for additional information)

R.S. 14:95.10. Possession of a firearm or carrying of a concealed weapon by a person convicted of domestic abuse battery and certain offenses of battery of a dating partner

A. It is unlawful for any person who has been convicted of any of the following offenses to possess a firearm or carry a concealed weapon:

- (1) Domestic abuse battery ([R.S. 14:35.3](#)).
- (2) A second or subsequent offense of battery of a dating partner ([R.S. 14:34.9](#)).
- (3) Battery of a dating partner when the offense involves strangulation ([R.S. 14:34.9\(K\)](#)).
- (4) Battery of a dating partner when the offense involves burning ([R.S. 14:34.9\(L\)](#)).

B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned with or without hard labor for not less than one year nor more than twenty years without the benefit of probation, parole, or suspension of sentence, and shall be fined not less than one thousand dollars nor more than five thousand dollars.

C. A person shall not be considered to have been convicted of domestic abuse battery or battery of a dating partner for purposes of this Section unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and in the case of a prosecution for an offense described in this Section for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise. A person shall not be considered convicted of [R.S. 14:34.9](#) or [35.3](#) for the purposes of this Section if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned or had civil rights restored unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, possess, or receive firearms.

D. For the provisions of this Section, "firearm" means 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.

E. The provisions of this Section **prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of the offenses set forth in Subsection A** of this Section shall not apply to any person who has not been convicted of any of the offenses set forth in Subsection A of this Section **for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.**