23

## **ACT No. 120**

HOUSE BILL NO. 331

BY REPRESENTATIVES CARRIER, BRYANT, FREIBERG, GAROFALO, GOUDEAU, HARRIS, MIKE JOHNSON, TRAVIS JOHNSON, KNOX, MARINO, PIERRE, SELDERS, VILLIO, AND WRIGHT

1 AN ACT 2 To amend and reenact R.S. 40:1751, 1752, 1755, and 1781(3) and (5) and to repeal R.S. 3 40:1753 and 1754, relative to automatic weapons; to provide for definitions; to 4 provide for penalties and exceptions relative to the manufacture, transfer, or 5 possession of automatic weapons; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 40:1751, 1752, 1755, and 1781(3) and (5) are hereby amended and 8 reenacted to read as follows: 9 §1751. Definitions 10 For purposes of this Part, "machine gun" includes all firearms of any calibre, 11 commonly known as machine rifles, machine guns, and sub-machine guns, capable 12 of automatically discharging more than eight cartridges successively without 13 reloading, in which the ammunition is fed to the gun from or by means of clips, 14 disks, belts, or some other separable mechanical device. "Manufacturer" includes 15 all persons manufacturing machine guns; "Merchant" includes all persons dealing 16 with machine guns as merchandise. means any weapon which shoots, is designed to 17 shoot, or can be readily restored to shoot, automatically more than one shot without 18 manual reloading, by a single function of the trigger. The term shall also include the 19 frame or receiver of any such weapon, and any part designed and intended solely and 20 exclusively, or combination of parts designed and intended, for use in converting a 21 weapon into a machine gun. The term shall not include items that are not required 22 to be registered in the National Firearms Registration and Transfer Record

maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

HB NO. 331 ENROLLED

1	§1732. Handring Manufacture, transfer, or possession of machine guns unlawful;
2	exceptions
3	No person shall sell, keep or offer for sale, loan or give away, purchase,
4	possess, carry, or transport any machine gun within this state, except that:
5	(1) All duly appointed peace officers may purchase, possess, carry, and
6	transport machine guns.
7	(2) This Part does not apply to the Army, Navy, or Marine Corps of the
8	United States, the National Guard, and organizations authorized by law to purchase
9	or receive machine guns from the United States or from this state. The members of
10	such Corps, National Guard, and organizations may possess, carry, and transport
11	machine guns while on duty.
12	(3) Persons possessing war relics may purchase and possess machine guns
13	which are relics of any war in which the United States was involved, may exhibit and
14	carry the machine guns in the parades of any military organization, and may sell,
15	offer to sell, loan, or give the machine guns to other persons possessing war relics.
16	(4) Guards or messengers employed by common carriers, banks, and trust
17	companies, and pay-roll guards or messengers may possess and carry machine guns
18	while actually employed in and about the shipment, transportation, or delivery, or in
19	the guarding of any money, treasure, bullion, bonds, or other thing of value. Their
20	employers may purchase or receive machine guns and keep them in their possession
21	when the guns are not being used by their guards or messengers.
22	(5) Manufacturers and merchants may sell, keep or offer for sale, loan or
23	give away, purchase, possess, and transport machine guns in the same manner as
24	other merchandise except as otherwise provided in this Part. Common carriers may
25	possess and transport unloaded machine guns as other merchandise.
26	A. No person shall manufacture, transfer, or possess a machine gun within
27	this state.
28	B. This Section shall not apply to any of the following:
29	(1) A transfer to or from, or possession by or under the authority of, the
30	United States or any department or agency thereof.

HB NO. 331 ENROLLED

1	(2) A transfer to or from, or possession by or under the authority of, any state
2	of the United States or a department, agency, or political subdivision thereof.
3	(3) Any machine gun that is lawfully manufactured, transferred, or possessed
4	under federal law.
5	* * *
6	§1755. Penalty
7	A. Any manufacturer who:
8	(1) Passes possession of or delivers a machine gun to any person in violation
9	of R.S. 40:1753; or
10	(2) Fails to keep an accurate register, as required in R.S. 40:1754; or
1	(3) Fails to produce or account for a sheriff's permit for each machine gun
12	sold by him for which a permit is necessary under the provisions of R.S. 40:1753,
13	shall be imprisoned at hard labor for not less than one year nor more than five years.
14	B. Any person who violates R.S. 40:1752 shall be imprisoned at hard labor
15	for not less than one year nor more than ten years.
16	C.B. Whoever, having been convicted of murder, armed or simple robbery,
17	aggravated or simple burglary, or aggravated battery, Any person who has been
18	convicted of, or found not guilty by reason of insanity for, a crime of violence as
19	defined in R.S. 14:2(B) which is a felony, or an attempt to commit any one of those
20	crimes, a crime of violence as defined in R.S. 14:2(B) which is a felony, who
21	thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned
22	at hard labor for not less than three years nor more than ten years.
23	§1781. Definitions
24	For the purpose of this Part, the following terms have the meanings ascribed
25	to them in this Section:
26	* * *
27	(3) "Firearm" means a shotgun having a barrel of less than eighteen inches
28	in length; a rifle having a barrel of less than sixteen inches in length; any weapon
29	made from either a rifle or a shotgun if said weapon has been modified to have an
30	overall length of less than twenty-six inches; any other firearm, pistol, revolver, or

HB NO. 331 ENROLLED

shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun, grenade launcher, flame thrower, bazooka, rocket launcher, excluding black powder weapons, or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this Paragraph as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

10 \* \* \*

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger. which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun. The term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

21 \* \* \*

Section 2. R.S. 40:1753 and 1754 are hereby repealed in their entirety.

PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED: