

2018 Regular Session

HOUSE BILL NO. 400

BY REPRESENTATIVE BAGNERIS

WEAPONS/FIREARMS: Creates the crime of illegally purchasing or selling a firearm

1 AN ACT

2 To enact R.S. 14:95.1.4, relative to offenses affecting the public safety; to create the crime
3 of illegally purchasing or selling a firearm; to provide criminal penalties; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:95.1.4 is hereby enacted to read as follows:

7 §95.1.4. Illegally purchasing or selling a firearm

8 A.(1) Illegally purchasing a firearm is the intentional receiving, obtaining,
9 or accepting delivery of a firearm from a licensed dealer in exchange for currency
10 without waiting the mandatory period as provided for in Subsection B of this
11 Section.

12 (2) Illegally selling a firearm is the intentional selling, delivering, or
13 otherwise transferring ownership of a firearm by a licensed dealer in exchange for
14 currency to any person without waiting the mandatory period as provided in
15 Subsection B of this Section.

16 B. There shall be a mandatory ten-day waiting period from the purchase of
17 a firearm from a licensed dealer to delivery of that firearm to the purchaser. The ten-
18 day waiting period shall exclude weekends and legal holidays.

1 C. For the purposes of this Section:

2 (1) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun,
3 submachine gun, or assault rifle, which is designed to fire or is capable of firing
4 fixed cartridge ammunition or from which a shot or projectile is discharged by an
5 explosive.

6 (2) "Licensed dealer" means a person who is licensed pursuant to 18 U.S.C.
7 921(11).

8 D. The ten-day waiting period and the provisions of this Section shall not
9 apply in the following circumstances:

10 (1) The firearm is being purchased by the holder of a concealed handgun
11 permit as provided for in R.S. 40:1379.1 or 1379.3.

12 (2) The firearm is being purchased by a law enforcement officer acting in his
13 official capacity or by a person acting at the direction of the law enforcement officer.

14 E. Whoever violates the provisions of this Section shall be fined not less than
15 one thousand dollars nor more than five thousand dollars, imprisoned, with or
16 without hard labor, for not less than one year nor more than five years, or both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 400 Original

2018 Regular Session

Bagneris

Abstract: Makes it illegal to sell or purchase a firearm without waiting for a 10-day period between purchase and delivery of the firearm.

Proposed law creates a crime of illegally purchasing or selling a firearm which is the selling of a firearm by a licensed firearms dealer or accepting delivery of a firearm from a licensed firearms dealer without waiting a mandatory 10-day period from purchase to delivery of the firearm.

Proposed law creates exceptions to the 10-day waiting period for law enforcement officers and concealed handgun permit holders.

Proposed law provides penalties of a fine of not less than \$1,000 nor more than \$5,000, imprisonment for not less than one year nor more than five years, or both.

(Adds R.S. 14:95.1.4)