

2020 Regular Session

HOUSE BILL NO. 147

BY REPRESENTATIVE HUGHES

WEAPONS/FIREARMS: Allows governing authorities of certain parishes to adopt certain regulations related to firearms and ammunition

1 AN ACT

2 To enact R.S. 40:1796(D), relative to the regulation of firearms; to provide relative to the
3 authority of political subdivisions to regulate the sale, purchase, possession,
4 ownership, transfer, transportation, license, or registration of firearms; to provide
5 certain limitations on the regulations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1796(D) is hereby enacted to read as follows:

8 §1796. Preemption of state law

9 * * *

10 D. Nothing in this Section shall prohibit a parish with a population of not
11 less than three hundred thousand nor more than four hundred thousand according to
12 the latest federal decennial census, or any local governing authority or official
13 thereof, from enacting or enforcing any ordinance or regulation concerning in any
14 way the sale, purchase, possession, ownership, transfer, transportation, license, or
15 registration of firearms, ammunition, or components of firearms or ammunition, if
16 the ordinance or regulation does any of the following:

17 (1) Requires the reporting of lost or stolen firearms to law enforcement for
18 the purpose of preventing the trafficking of firearms.

19 (2) Regulates or prohibits the open and visible carrying of firearms at a
20 public event for which a permit is issued by a government entity.

1 (3) Prohibits firearms from being carried in any commercial establishment
2 where alcohol is served for consumption or from being carried in any defined
3 geographic area where the consumption of alcohol is permitted by law.

4 (4) Prohibits firearms from being carried in recreation centers or other public
5 buildings.

6 (5) Prohibits unsafe access to firearms by a child under the age of eighteen.

7 (6)(a) Except as provided in Subparagraph (b) of this Paragraph, prohibits
8 the manufacture or assembly of firearms.

9 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to
10 any of the following:

11 (i) A federally licensed firearms manufacturer licensed pursuant to 18 U.S.C.
12 923.

13 (ii) A local, state, or federal law enforcement officer who manufactures or
14 assembles a firearm pursuant to their official duties.

15 (iii) A person who reassembles a previously existing firearm after
16 disassembling the firearm solely for the purpose of modifying, repairing, or
17 otherwise servicing the firearm.

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 147 Original

2020 Regular Session

Hughes

Abstract: Authorizes certain parishes to adopt or enforce certain ordinances or regulations regarding the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components thereof.

Present law prohibits the governing authority of a political subdivision from enacting any ordinance or regulation more restrictive than state law concerning in any way the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition. Present law further provides, however, that present law does not affect the authority of political subdivisions to prohibit the possession of a weapon or firearm in certain commercial establishments and public buildings.

Present law further provides that local governing authorities in a high-risk area may develop a plan with federally licensed firearms manufacturers, dealers, or importers to secure the inventory of firearms and ammunition of those licensees in order to prevent looting of the

licensee's premises during a declared state of emergency or disaster. For these purposes, present law defines "high-risk area" as the parishes of Assumption, Calcasieu, Cameron, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.

Proposed law retains present law but provides that nothing in present law prohibits a parish with a population of not less than 300,000 nor more than 400,000 according to the latest federal decennial census, or any local governing authority or official thereof, from enacting or enforcing any ordinance or regulation concerning in any way the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition if the ordinance or regulation does any of the following:

- (1) Requires the reporting of lost or stolen firearms to law enforcement for the purpose of preventing the trafficking of firearms.
- (2) Regulates or prohibits the open and visible carrying of firearms at a public event for which a permit is issued by a government entity.
- (3) Prohibits firearms from being carried in any commercial establishment where alcohol is served for consumption or from being carried in any defined geographic area where the consumption of alcohol is permitted by law.
- (4) Prohibits firearms from being carried in recreation centers or other public buildings.
- (5) Prohibits unsafe access to firearms by a child under the age of eighteen.
- (6) Prohibits the manufacture or assembly of firearms. However, proposed law provides that this prohibition shall not apply to a federally licensed firearms manufacturer; a local, state, or federal law enforcement officer who manufactures or assembles a firearm pursuant to their official duties; or a person who reassembles a previously existing firearm after disassembling the firearm solely for the purpose of modifying, repairing, or otherwise servicing the firearm.

(Adds R.S. 40:1796(D))