

2020 Regular Session

HOUSE BILL NO. 781

BY REPRESENTATIVE MIGUEZ

WEAPONS: Provides relative to the authority to regulate the manufacture, possession, or sale of firearms or ammunition during a declared emergency or disaster

1 AN ACT

2 To amend and reenact R.S. 14:329.6(C), (G), and (H)(1) and R.S. 29:724(D)(6), 727(F)(8),
3 730.3(F), 737(B)(7), and 738(A), to enact R.S. 14:329.6(H)(3) and R.S. 29:738(C),
4 and to repeal R.S. 14:329.6(A)(6), relative to the regulation of firearms and
5 ammunition during a declared emergency or disaster; to provide relative to the
6 authority to regulate the manufacture, sale, and possession of firearms and
7 ammunition during a declared emergency or disaster; to provide relative to the
8 authority of firearm- and ammunition-related businesses to operate during a declared
9 emergency or disaster; to provide relative to the authority of certain officials to
10 regulate with respect to firearms and ammunition during a declared emergency or
11 disaster; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 14:329.6(C), (G), and (H)(1) are hereby amended and reenacted and
14 R.S. 14:329.6(H)(3) is hereby enacted to read as follows:

15 §329.6. Proclamation of state of emergency; conditions therefor; effect thereof

16 * * *

17 C. All orders promulgated pursuant to this ~~section~~ Section shall be executed
18 in triplicate and shall be filed with the clerk of court of the parish affected and with
19 the secretary of state of this state.

20 * * *

1 G. As used in this Section:

2 (1) "Disaster" shall have the same meaning as provided in ~~R.S. 29:723(1)~~
3 R.S. 29:723.

4 (2) "Emergency" shall have the same meaning as provided in ~~R.S. 29:723(2)~~
5 R.S. 29:723.

6 H.(1) The right of each citizen to keep and bear arms is fundamental and
7 shall not be infringed. Nothing in this Section shall authorize the seizure or
8 confiscation of any firearm or ammunition from any individual who is lawfully
9 carrying or possessing the firearm or ammunition except as provided in Paragraph
10 (2) of this Subsection.

11 * * *

12 (3) Firearms and ammunition manufacturers, distributors, wholesalers,
13 suppliers, and retailers are essential businesses and operations for purposes of safety
14 and security and shall not be prohibited or restricted from operating or conducting
15 business during a declared emergency or disaster.

16 Section 2. R.S. 29:724(D)(6), 727(F)(8), 730.3(F), 737(B)(7), and 738(A) are hereby
17 amended and reenacted and R.S. 29:738(C) is hereby enacted to read as follows:

18 §724. Powers of the governor

19 * * *

20 D. In addition to any other powers conferred upon the governor by law, he
21 may do any or all of the following:

22 * * *

23 (6) Suspend or limit the sale, dispensing, or transportation of alcoholic
24 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of
25 firearm ammunition.

26 * * *

27 §727. Powers of the parish president; penalties for violations

28 * * *

1 F. In addition to any other powers conferred upon the parish president by the
2 constitution, laws, or by a home rule charter or plan of government, such authority
3 may do any or all of the following:

4 * * *

5 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic
6 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of
7 firearm ammunition.

8 * * *

9 §730.3. Evacuations and curfews

10 * * *

11 F. During a declared disaster or state of emergency, the parish president may
12 in the proclamation for evacuation or a separate proclamation impose a curfew
13 prohibiting anyone who is not designated as essential workforce or critical workforce
14 to be on a public street or place. The curfew may be for the entire parish or for
15 certain areas of the parish, and the curfew may be for an unlimited period of time or
16 may be for certain periods of time during each twenty-four-hour period. The
17 proclamation shall specify the geographical area or areas and the period during each
18 twenty-four-hour period to which the curfew applies. The proclamation imposing
19 a curfew may regulate and close places of amusement and assembly; and prohibit the
20 sale and distribution of alcoholic beverages; ~~and regulate and control, subject to the~~
21 ~~provisions of R.S. 29:738, the possession, storage, display, sale, transport, and use~~
22 ~~of firearms and other dangerous weapons and ammunition.~~

23 * * *

24 §737. Municipalities; authority to respond to emergencies

25 * * *

26 B. As used in this Section, "emergency response measures" includes, but is
27 not limited to, any or all of the following:

28 * * *

1 (7) Suspending or limiting the sale, dispensing, or transportation of alcoholic
2 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of
3 firearm ammunition.

4 * * *

5 §738. Emergency powers do not extend to confiscation or seizure of lawfully
6 possessed or used firearms, weapons, or ammunition; exceptions

7 A. The right of each citizen to keep and bear arms is fundamental and shall
8 not be infringed. Nothing in this Chapter shall authorize the seizure or confiscation
9 of any firearm or ammunition from any individual who is lawfully carrying or
10 possessing the firearm or ammunition except as provided in Subsection B of this
11 Section.

12 * * *

13 C. Firearms and ammunition manufacturers, distributors, wholesalers,
14 suppliers, and retailers are essential businesses and operations for purposes of safety
15 and security and shall not be prohibited or restricted from operating or conducting
16 business during a declared emergency or disaster.

17 Section 3. R.S. 14:329.6(A)(6) is hereby repealed in its entirety.

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 781 Original

2020 Regular Session

Miguez

Abstract: Provides relative to the authority to regulate the manufacture, sale, and possession of firearms or ammunition during a declared emergency or disaster.

Present law authorizes the governor (R.S. 29:724), the parish president (R.S. 29:727), the chief executive officer of a municipality (R.S. 29:737), and the chief law enforcement officer of the political subdivision (R.S. 14:329.6) during a declared emergency to suspend or limit the sale, dispensing, or transportation of firearms or combustibles.

Present law (R.S. 29:730.3) further authorizes the governor and the parish president during a declared disaster or emergency to issue a proclamation for evacuation or for the imposition of a curfew which may include the regulation and control of the possession, storage, display, sale, transport, and use of firearms and other dangerous weapons and ammunition.

Proposed law removes the authority of the governor, the parish president, the chief executive officer of a municipality, and the chief law enforcement officer of the political subdivision

from regulating the sale, dispensing, or transportation of firearms, and provides that the authority to regulate the sale, dispensing, or transportation of combustibles does not apply to those component parts of ammunition.

Proposed law removes the authority for a proclamation for the imposition of a curfew to include the regulation and control of the possession, storage, display, sale, transport, and use of firearms and other dangerous weapons and ammunition.

Present law (R.S. 14:329.6 and R.S. 29:738) provides that the emergency powers of these individuals do not authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition. However, present law provides that a peace officer who is acting in the lawful discharge of the officer's official duties may disarm an individual if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual.

Proposed law retains present law and adds that, as provided in the present constitution, the right of each citizen to keep and bear arms is fundamental and shall not be infringed, and further provides that firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers are essential businesses and operations for purposes of safety and security and shall not be prohibited or restricted from operating or conducting business during a declared disaster or emergency.

(Amends R.S. 14:329.6(C), (G), and (H)(1) and R.S. 29:724(D)(6), 727(F)(8), 730.3(F), 737(B)(7), and 738(A); Adds R.S. 14:329.6(H)(3) and R.S. 29:738(C); Repeals R.S. 14:329.6(A)(6))