2020 Regular Session

HOUSE BILL NO. 865

BY REPRESENTATIVE AMEDEE

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

AN ACT
To amend and reenact R.S. 14:329.6(C) and (G) and R.S. 29:724(D)(6), 727(F)(8), 730.3(F),
and 737(B)(7), to enact R.S. 14:329.6(H)(3) and R.S. 29:738(C), and to repeal R.S.
14:329.6(A)(6), relative to the regulation of firearms and ammunition during a
declared emergency or disaster; to provide relative to the authority to regulate the
manufacture, sale, and possession of firearms and ammunition during a declared
emergency or disaster; to provide relative to the authority of firearm- and
ammunition-related businesses to operate during a declared emergency or disaster;
to provide relative to the authority of certain officials to regulate with respect to
firearms and ammunition during a declared emergency or disaster; and to provide for
related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:329.6(C) and (G) are hereby amended and reenacted and R.S.
14:329.6(H)(3) is hereby enacted to read as follows:
§329.6. Proclamation of state of emergency; conditions therefor; effect thereof
* * *
C. All orders promulgated pursuant to this section Section shall be executed

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	in triplicate and shall be filed with the clerk of court of the parish affected and with
2	the secretary of state of this state.
3	* * *
4	G. As used in this Section:
5	(1) "Disaster" shall have the same meaning as provided in R.S. 29:723(1)
6	<u>R.S. 29:723</u> .
7	(2) "Emergency" shall have the same meaning as provided in $R.S. 29:723(2)$
8	<u>R.S. 29:723</u> .
9	Н.
10	* * *
11	(3) Nothing in this Section shall prohibit firearms and ammunition
12	manufacturers, distributors, wholesalers, suppliers, and retailers from operating or
13	conducting business during a declared emergency or disaster.
14	Section 2. R.S. 29:724(D)(6), 727(F)(8), 730.3(F), and 737(B)(7) are hereby
15	amended and reenacted and R.S. 29:738(C) is hereby enacted to read as follows:
16	§724. Powers of the governor
17	* * *
18	D. In addition to any other powers conferred upon the governor by law, he
19	may do any or all of the following:
20	* * *
21	(6) Suspend or limit the sale, dispensing, or transportation of alcoholic
22	beverages, firearms, explosives, and combustibles, excluding those components of
23	firearm ammunition.
24	* * *
25	§727. Powers of the parish president; penalties for violations
26	* * *
27	F. In addition to any other powers conferred upon the parish president by the
28	constitution, laws, or by a home rule charter or plan of government, such authority

1	may do any or all of the following:
2	* * *
3	(8) Suspend or limit the sale, dispensing, or transportation of alcoholic
4	beverages, firearms, explosives, and combustibles, excluding those components of
5	firearm ammunition.
6	* * *
7	§730.3. Evacuations and curfews
8	* * *
9	F. During a declared disaster or state of emergency, the parish president may
10	in the proclamation for evacuation or a separate proclamation impose a curfew
11	prohibiting anyone who is not designated as essential workforce or critical workforce
12	to be on a public street or place. The curfew may be for the entire parish or for
13	certain areas of the parish, and the curfew may be for an unlimited period of time or
14	may be for certain periods of time during each twenty-four-hour period. The
15	proclamation shall specify the geographical area or areas and the period during each
16	twenty-four-hour period to which the curfew applies. The proclamation imposing
17	a curfew may regulate and close places of amusement and assembly , and prohibit the
18	sale and distribution of alcoholic beverages, and regulate and control, subject to the
19	provisions of R.S. 29:738, the possession, storage, display, sale, transport, and use
20	of firearms and other dangerous weapons and ammunition.
21	* * *
22	§737. Municipalities; authority to respond to emergencies
23	* * *
24	B. As used in this Section, "emergency response measures" includes, but is
25	not limited to, any or all of the following:
26	* * *
27	(7) Suspending or limiting the sale, dispensing, or transportation of alcoholic
28	beverages, firearms, explosives, and combustibles, excluding those components of

1	firearm ammunition.
2	* * *
3	§738. Emergency powers do not extend to confiscation or seizure of lawfully
4	possessed or used firearms, weapons, or ammunition; exceptions
5	* * *
6	C. Nothing in this Chapter shall prohibit firearms and ammunition
7	manufacturers, distributors, wholesalers, suppliers, and retailers from operating or
8	conducting business during a declared emergency or disaster.
9	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)]

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

<u>Present law</u> 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. <u>Present law</u> (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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Present law</u> (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, <u>present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> and adds that nothing in <u>present</u> or <u>proposed law</u> prohibits firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers from operating or conducting business during a declared disaster or emergency.

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