

2018 Regular Session

HOUSE BILL NO. 736

BY REPRESENTATIVES TERRY LANDRY AND MORENO

WEAPONS/FIREARMS: Provides relative to the possession, transfer, registration, license to possess, and surrender of an assault weapon

1 AN ACT

2 To enact Part III of Chapter 9 of Title 40, to be comprised of R.S. 40:1801 through 1809,  
3 relative to the regulation of weapons; to prohibit the importation, manufacture, sale,  
4 purchase, possession, or transfer of an assault weapon or large-capacity detachable  
5 magazine; to provide for the registration of and licenses to possess assault weapons;  
6 to provide for the surrender of assault weapons and large-capacity detachable  
7 magazines; to provide for criminal penalties; to provide for exceptions; to provide  
8 definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part III of Chapter 9 of Title 40, comprised of R.S. 40:1801 through 1809,  
11 is hereby enacted to read as follows:

12 PART III. ASSAULT WEAPONS

13 §1801. Definitions

14 For purposes of this Part, the following terms shall have the following  
15 meanings:

16 (1) "Action of the weapon" means the part of the firearm that loads, fires,  
17 and ejects a cartridge, and includes but is not limited to the upper and lower receiver,  
18 charging handle, forward assist, magazine release, and shell deflector.

19 (2) "Assault weapon" means any weapon defined in R.S. 40:1802.

1           (3) "Forward pistol grip" means any feature capable of functioning as a grip  
2           that can be held by the nontrigger hand.

3           (4) "Large-capacity detachable magazine" means a magazine, belt, drum,  
4           feed strip, or similar device, including any such device joined or coupled with  
5           another in any manner, the function of which is to deliver one or more ammunition  
6           cartridges into the firing chamber, which can be removed from the firearm without  
7           the use of any tool, and which has the capacity to hold, or that can be readily  
8           restored, changed, or converted to accept, more than ten rounds of ammunition.

9           (5) "Law enforcement officer" shall have the same meaning as that term is  
10          defined by R.S. 40:2402.

11          (6) "Pistol grip" means a grip or similar feature that can function as a grip  
12          for the trigger hand.

13          (7) "Second hand grip" means a grip or similar feature that can function as  
14          a grip that is additional to the trigger hand grip.

15          (8) "State police" means the Department of Public Safety and Corrections,  
16          office of state police.

17          §1802. Assault weapons; defined

18          A. "Assault weapon" means any of the following:

19                 (1) A semiautomatic rifle that has an ability to accept a detachable magazine  
20                 and has at least one of the following characteristics:

21                         (a) A folding or telescoping stock.

22                         (b) A pistol grip that protrudes conspicuously beneath the action of the  
23                         weapon.

24                         (c) A thumbhole stock.

25                         (d) A second handgrip or a protruding grip that can be held by the  
26                         non-trigger hand.

27                         (e) A bayonet mount.

- 1           (f) A flash suppressor, muzzle break, muzzle compensator, or threaded  
2           barrel designed to accommodate a flash suppressor, muzzle break, or muzzle  
3           compensator.
- 4           (g) A grenade launcher.
- 5           (2) A semiautomatic shotgun that has at least one of the following  
6           characteristics:
- 7           (a) A folding or telescoping stock.
- 8           (b) A thumbhole stock.
- 9           (c) A second handgrip or a protruding grip that can be held by the  
10           non-trigger hand.
- 11           (d) A fixed magazine capacity in excess of seven rounds.
- 12           (e) An ability to accept a detachable magazine.
- 13           (3) A semiautomatic pistol that has an ability to accept a detachable  
14           magazine and has at least one of the following characteristics:
- 15           (a) A folding or telescoping stock.
- 16           (b) A thumbhole stock.
- 17           (c) A second handgrip or a protruding grip that can be held by the  
18           non-trigger hand.
- 19           (d) Capacity to accept an ammunition magazine that attaches to the pistol  
20           outside of the pistol grip.
- 21           (e) A threaded barrel capable of accepting a barrel extender, flash  
22           suppressor, forward handgrip, or silencer.
- 23           (f) A shroud that is attached to, or partially or completely encircles, the  
24           barrel and that permits the shooter to hold the firearm with the non-trigger hand  
25           without being burned.
- 26           (g) A manufactured weight of fifty ounces or more when the pistol is  
27           unloaded.
- 28           (h) A semiautomatic version of an automatic rifle, shotgun or firearm.
- 29           (4) A revolving cylinder shotgun.

1           B. In addition to the provisions of Subsection A of this Section, "assault  
2           weapon" shall include all of the following: Algimec Agmi; Armalite AR-180;  
3           Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat  
4           Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70;  
5           Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P;  
6           Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1,  
7           K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale  
8           FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT;  
9           Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM;  
10           Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91,  
11           HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11  
12           Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000;  
13           Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500  
14           series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48  
15           and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12  
16           revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol;  
17           Weaver Arms Nighthawk; Wilkinson "Linda" Pistol; AK-47; AK-74; AKM;  
18           AKS-74U; ARM; MAADI AK47; MAK90; MISR; NHM90 and NHM91; Norinco  
19           56, 56S, 84S and 86S; Poly Technologies AKS and AK47; SA 85; SA 93; VEPR;  
20           WASR-10; WUM; Rock River Arms LAR-47; Vector Arms AK-47; AR-10; AR-15;  
21           Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, Bushmaster  
22           MOE Rifles; Colt Match Target Rifles; Armalite M15; Olympic Arms AR-15, A1,  
23           CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles; DPMS Tactical Rifles; Smith  
24           and Wesson M&P15 Rifles; Rock River Arms LAR-15; Doublestar AR Rifles;  
25           Barrett REC7; Beretta Storm; Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I  
26           Tactical, II and II Tactical Rifles; Hi-Point Carbine Rifles; HK-PSG-1; Kel-Tec  
27           Sub-2000, SU Rifles, and RFB; Remington Tactical Rifle Model 7615; SAR-8,  
28           SAR-4800 and SR9; SLG 95; SLR 95 or 96; TNW M230 and M2HB; Vector Arms  
29           UZI; Galil and Galil Sporter; Daewoo AR 100 and AR 110C; Fabrique Nationale/FN

1       308 Match and L1A1 Sporter; HK USC; IZHMASH Saiga AK; SIG Sauer 551-A1,  
2       556, 516, 716 and M400 Rifles; Valmet M62S, M71S and M78S; Wilkinson Arms  
3       Linda Carbine; Barrett M107A1; Centurion 39 AK; Draco AK-47; HCR AK-47; IO  
4       Inc. Hellpup AK-47; Mini-Draco AK-47; Yugo Krebs Krink; American Spirit  
5       AR-15; Bushmaster Carbon 15; Doublestar Corporation AR; DPMS AR-15;  
6       Olympic Arms AR-15; Rock River Arms LAR 15; Calico Liberty III and III Tactical  
7       Pistols; Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols; Intratec  
8       TEC-DC9 and AB-10; Colefire Magnum; German Sport 522 PK and Chiappa  
9       Firearms Mfour-22; DSA SA58 PKP FAL; I.O. Inc. PPS-43C; Kel-Tec PLR-16  
10       Pistol; Sig Sauer P516 and P556 Pistols; Thompson TA5 Pistols; and all IZHMASH  
11       Saiga 12 Shotguns.

12               C. "Assault weapon" does not include any of the following:

13               (a) A rifle, shotgun, or pistol that is manually operated by bolt, pump, lever,  
14       or slide action; has been rendered permanently inoperable; or is an antique firearm  
15       as defined in 18 U.S.C. 921(a)(16).

16               (b) A semiautomatic rifle that cannot accept a detachable magazine that  
17       holds more than five rounds of ammunition.

18               (c) A semiautomatic shotgun that cannot hold more than five rounds of  
19       ammunition in a fixed or detachable magazine.

20               (d) A rifle, shotgun or pistol, or a replica or a duplicate thereof, specified in  
21       Appendix A to 18 U.S.C. 922 as such weapon was manufactured on October 1, 1993.

22       The mere fact that a weapon is not listed in Appendix A to 18 U.S.C. 922 shall not  
23       be construed to mean that such weapon is an assault weapon.

24       §1803. Prohibitions; penalties

25               A.(1) On and after January 1, 2019, no person shall import, manufacture,  
26       sell, keep for sale, offer for sale, purchase, possess, or transfer within this state an  
27       assault weapon, except as provided by this Part.

1           (2) On and after January 1, 2019, no person shall import, manufacture, sell,  
2           keep for sale, offer for sale, purchase, or transfer within this state a large-capacity  
3           detachable magazine.

4           B. Except as otherwise authorized by the provisions of this Part:

5           (1) A person who possesses an assault weapon with an expired license issued  
6           pursuant to the provisions of this Part shall be fined not more than five hundred  
7           dollars, imprisoned for not more than six months, or both.

8           (2) A person who possesses an assault weapon which has not been registered  
9           pursuant to the provisions of this Part shall be fined not more than two thousand  
10           dollars, imprisoned with or without hard labor for not more than two years, or both.

11           (3) A person who imports, manufactures, sells, keeps for sale, offers for sale,  
12           or transfers an assault weapon or large-capacity detachable magazine shall be fined  
13           not more than ten thousand dollars, imprisoned with or without hard labor for not  
14           more than five years, or both.

15           §1804. Registration of assault weapons

16           A. By June 1, 2019, any person who lawfully possesses an assault weapon  
17           prior to January 1, 2019, shall either surrender it to state police as provided for in  
18           R.S. 40:1806 or shall register it and apply for a license to possess an assault weapon  
19           as provided for by the provisions of this Section.

20           B. Any person who seeks to register an assault weapon and apply for a  
21           license to possess an assault weapon shall do all of the following:

22           (1) Submit to a criminal background check which shall be the same  
23           background check conducted for persons who seek to purchase a firearm from a  
24           licensed gun dealer.

25           (2) Complete all registration and licensing forms as prescribed by state  
26           police.

27           C. The registration shall contain all of the following information:

28           (1) The name, address, and date of birth of the person possessing the assault  
29           weapon.

1           (2) A detailed description of the assault weapon which shall include but not  
2           be limited to the make, model, manufacturer, and serial number of the assault  
3           weapon.

4           E.(1)(a) If the person applying for a license to possess an assault weapon is  
5           not prohibited from possessing a firearm under state or federal law, the state police  
6           shall issue the person a license to possess an assault weapon.

7           (b) The license shall have a term of one year and shall be renewed annually.

8           (2) If the person applying for a license is prohibited from possessing a  
9           firearm under state or federal law, the state police shall not issue a license to that  
10          person and the person shall surrender the assault weapon to state police pursuant to  
11          the provisions of R.S. 40:1806.

12          §1805. Conditions of lawful possession by the holder of a license

13          A.(1) In addition to the requirements of Paragraph (2) of this Subsection, the  
14          holder of a license to possess an assault weapon issued pursuant to the provisions of  
15          this Part shall only be authorized to possess the assault weapon under the following  
16          conditions:

17          (a) The licensee possesses the assault weapon only on property owned or  
18          immediately controlled by the licensee, or while engaged in the legal use of the  
19          assault weapon at a duly licensed firing range, or while traveling to or from either  
20          of these locations for the purpose of engaging in the legal use of the assault weapon,  
21          provided that it is stored unloaded and in a separate locked container during  
22          transport.

23          (b) The licensee possesses the assault weapon while lawfully engaged in  
24          shooting at a duly licensed, lawfully operated shooting range.

25          (c) The licensee possesses the assault weapon while lawfully participating  
26          in a sporting event officially sanctioned by a club or organization established in  
27          whole or in part for the purpose of sponsoring sport shooting events.

1           (2) The licensee shall have in his immediate possession the license issued  
2           pursuant to the provisions of this Part at all times while in possession of the assault  
3           weapon.

4           B.(1) The person licensed to possess an assault weapon as provided by the  
5           provisions of this Part shall safely and securely store the assault weapon pursuant to  
6           the rules adopted for such purpose by state police.

7           (2) Whenever not in use by the person licensed to possess the assault  
8           weapon, the assault weapon shall be locked by a secure gun storage or safety device  
9           that a prohibited individual has no ability to access.

10           §1806. Surrender of an assault weapon or large-capacity detachable magazine

11           A. A person possessing an assault weapon prior to January 1, 2019, shall  
12           surrender the assault weapon to state police when either of the following occur:

13           (1) The person does not register the assault weapon and does not obtain a  
14           license to possess the assault weapon as provided by R.S. 40:1804.

15           (2) The person registers the assault weapon and obtains a license to possess  
16           the assault weapon as provided by R.S. 40:1804, but fails to renew the license prior  
17           to its expiration.

18           (3) The person is prohibited from possessing a firearm under state or federal  
19           law.

20           B. State police is authorized to accept an assault weapon surrendered  
21           pursuant to the provisions of this Section, which shall then be disposed of pursuant  
22           to the provisions of R.S. 40:1798.

23           §1807. Assault weapons received through inheritance or succession

24           The provisions of this Part shall apply to any person who receives an assault  
25           weapon by inheritance or succession, and the person shall comply with the  
26           provisions of R.S. 40:1804 or 1806 within thirty days of receipt of the assault  
27           weapon.

1        §1808. Powers and duties of state police2                A. The state police shall be required to comply with all of the following  
3        requirements:4                (1) Prescribe procedures for the registration of assault weapons as provided  
5        by this Part.6                (2) Prescribe procedures for the issuance and renewal of licenses to possess  
7        assault weapons as provided by this Part.8                B. State police shall adopt rules to provide for the implementation of the  
9        provisions of this Part which shall at a minimum provide for all of the following:10               (1) Forms for the registration of assault weapons.11               (2) Forms for the issuance and renewal of licenses to possess assault  
12        weapons.13               (3) Procedures for the secure storage of assault weapons.14               C. All rules shall be adopted by state police pursuant to the provisions of the  
15        Administrative Procedure Act.16        §1809. Exemptions17               The provisions of this Part shall not apply to any of the following:18               (1) A federal, state, or local law enforcement officer in the performance of  
19        his official duties.20               (2) Any person on active duty with the armed forces of the United States and  
21        stationed within Louisiana but who is domiciled in another state. Such person shall  
22        register the assault weapon pursuant to the provisions of this Part and shall either  
23        surrender the assault weapon to state police or remove it from the state prior to  
24        leaving the armed forces.25               (3) Any person licensed under 18 U.S.C. 923 for the purpose of selling an  
26        assault weapon or large-capacity detachable magazine to a law enforcement agency.27               (4) An assault weapon that has been permanently disabled so that it is  
28        incapable of discharging a projectile.29               (5) Any antique firearm as defined by 18 U.S.C. 921.

1           (6) A temporary transfer if the transferor has no reason to believe that the  
2           transferee will use or intends to use the weapon in a crime or is prohibited from  
3           possessing a weapon under state or federal law, and the transfer takes place and the  
4           transferee's possession of the firearm is exclusively under any of the following  
5           conditions:

6           (a) At a shooting range or in a shooting gallery or other area designated for  
7           the purpose of target shooting.

8           (b) While reasonably necessary for the purposes of hunting, trapping, or  
9           fishing if the transferor has no reason to believe that the transferee intends to use the  
10          weapon in a place where it is illegal and has no reason to believe that the transferee  
11          will not comply with all licensing and permit requirements for such hunting,  
12          trapping, or fishing.

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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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HB 736 Original

2018 Regular Session

Terry Landry

**Abstract:** Prohibits the sale and possession of assault weapons and high capacity magazines and requires those who current possess such weapons to register or surrender their weapons.

Proposed law provides that, on or after Jan. 1, 2019, no person shall import, manufacture, sell, keep for sale, offer for sale, purchase, or transfer within this state a large-capacity detachable magazine as defined by proposed law.

In addition, proposed law provides that, on and after Jan. 1, 2019, no person shall import, manufacture, sell, keep for sale, offer for sale, purchase, possess, or transfer within this state an assault weapon as defined by proposed law, unless such person registers and obtains a license to possess the weapon pursuant to the provisions of proposed law.

Proposed law provides for the following penalties:

- (1) A person who possesses an assault weapon with an expired license issued pursuant to proposed law shall be fined not more than \$500 or imprisoned for not more than six months, or both.
- (2) A person who possesses an assault weapon which has not been registered pursuant to proposed law shall be fined not more than \$2,000 or imprisoned with or without hard labor for not more than two years, or both.
- (3) A person who imports, manufactures, sells, keeps for sale, offers for sale, or transfers an assault weapon or large-capacity detachable magazine shall be fined not more

than \$10,000 or imprisoned with or without hard labor for not more than five years, or both.

Proposed law requires any person who lawfully possesses an assault weapon prior to Jan. 1, 2019, to either surrender it to state police or to register it and apply for a license to possess the weapon as provided by proposed law. In addition, proposed law requires any person who receives an assault weapon by inheritance or succession to either register or surrender the weapon pursuant to proposed law within thirty days of receipt of the assault weapon.

Proposed law requires any person seeking to register and apply for a license to possess the weapon to submit to a criminal background check and complete all registration and licensing forms as prescribed by state police. The registration is required to contain certain information including the name, address, and date of birth of the person possessing the assault weapon as well as a detailed description of the assault weapon including the make, model, manufacturer, and serial number of the assault weapon.

If the person applying for a license to possess an assault weapon is not prohibited from possessing a firearm under state or federal law, proposed law requires state police to issue the person a license to possess an assault weapon. The license shall have a term of one year and shall be renewed annually and shall authorize the licensee to possess the weapon only under the following conditions:

- (1) The licensee possesses the assault weapon only on property owned or immediately controlled by the licensee, or while engaged in the legal use of the assault weapon at a duly licensed firing range, or while traveling to or from either of these locations for the purpose of engaging in the legal use of the assault weapon, provided that it is stored unloaded and in a separate locked container during transport.
- (2) The licensee possesses the assault weapon while lawfully engaged in shooting at a duly licensed, lawfully operated shooting range.
- (3) The licensee possesses the assault weapon while lawfully participating in a sporting event officially sanctioned by a club or organization established in whole or in part for the purpose of sponsoring sport shooting events.
- (4) Whenever not in use by the licensee, the assault weapon shall be locked by a secure gun storage or safety device that a prohibited individual has no ability to access.

If the person applying for a license is prohibited from possessing a firearm under state or federal law, proposed law prohibits state police issuing a license to that person and the person is required to surrender the assault weapon to state police pursuant to proposed law.

Proposed law authorizes state police to accept a surrendered assault weapon, which shall then be disposed of in accordance with certain provisions of present law which provides for the disposal of firearms by law enforcement agencies.

Proposed law requires state police, by rules adopted pursuant to the present law Administrative Procedure Act, to prescribe procedures for the registration of assault weapons and for the issuance and renewal of licenses to possess an assault weapon.

Proposed law provides for the following exemptions from proposed law:

- (1) A federal, state, or local law enforcement officer in the performance of his official duties.
- (2) Any person on active duty with the armed forces of the United States and stationed within Louisiana but who is domiciled in another state. Such person shall register

- the assault weapon and shall either surrender the assault weapon to state police or remove it from the state prior to leaving the armed forces.
- (3) Any person licensed under 18 U.S.C. 923 for the purpose of selling an assault weapon or large-capacity detachable magazine to a law enforcement agency.
  - (4) An assault weapon that has been permanently disabled so that it is incapable of discharging a projectile.
  - (5) Any antique firearm as defined by 18 U.S.C. 921.
  - (6) A temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the weapon in a crime or is prohibited from possessing a weapon under state or federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively under certain conditions including while at a shooting range or while reasonably necessary for the purposes of hunting, trapping, or fishing.

Proposed law defines the following terms for purposes of proposed law: assault weapon, action of the weapon, forward pistol grip, large-capacity detachable magazine, law enforcement officer, pistol grip, second hand grip, and state police.

(Adds R.S. 40:1801-1809)