AN ACT

To amend and reenact R.S. 14:329.6(C), (G), and (H)(1) and R.S. 29:724(D)(4) and (6), 727(F)(4) and (8), 730.3(F), 737(B)(7), 738(A), 766(D)(4) and (8), and 772, 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 or public health emergency; to declare certain firearm- and ammunition-related businesses as essential; to provide relative to the authority to regulate the manufacture, sale, and possession of firearms and ammunition during a declared emergency or disaster or public health emergency; to provide relative to the authority of firearm- and ammunition-related businesses to operate during a declared emergency or disaster or public health emergency; to provide relative to the authority of certain officials to regulate with respect to firearms and ammunition during a declared emergency or disaster or public health emergency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 14:329.6(C), (G), and (H)(1) 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 shall be executed in triplicate and shall be filed with the clerk of court of the parish affected and with the secretary of state of this state.

G. As used in this Section:

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

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

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

(3) Firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers and shooting ranges 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 emergency or disaster.

Section 2. R.S. 29:724(D)(4) and (6), 727(F)(4) and (8), 730.3(F), 737(B)(7), 738(A), 766(D)(4) and (8), and 772 are hereby amended and reenacted and R.S. 29:738(C) is hereby enacted to read as follows:

§724. Powers of the governor

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

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property if he finds this necessary to cope with the disaster or
emergency. For purposes of this Paragraph, private property does not include
firearms, ammunition, or components of firearms or ammunition.

* * *

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

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

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

* * *

(4) Subject to any applicable requirements for compensation, commandeer
or utilize any private property if he finds this necessary to cope with the local
disaster. For purposes of this Paragraph, private property does not include firearms,
ammunition, or components of firearms or ammunition.

* * *

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

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§730.3. Evacuations and curfews

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

§737. Municipalities; authority to respond to emergencies

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

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

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

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

C. Firearms and ammunition manufacturers, distributors, wholesalers,
suppliers, and retailers and shooting ranges 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 emergency or disaster.

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
§766. Declaration of a state of public health emergency

D. Emergency powers.

During a state of public health emergency, in addition to any powers conferred upon the governor by law, he may do any or all of the following:

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property if he finds this necessary to cope with the disaster or emergency. For purposes of this Paragraph, private property does not include firearms, ammunition, or components of firearms or ammunition.

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

§772. Exclusion

R.S. 29:736 and 738 shall apply to this Chapter.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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