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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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## DIGEST

Proposed law provides the following legislative intent and authority:

- A. The 10<sup>th</sup> Amendment to the U.S. Constitution declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Issues regarding firearms were never delegated to the federal government by the states and, thus, are reserved to the people of Louisiana.
- B. The 2nd Amendment to the U.S. Constitution declares that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."
- C. The 9th Amendment of the Constitution of the United States of America declares that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."
- D. Article I, Section 11 of the La. Constitution protects the right of each Louisiana citizen to keep and bear arms and declares that this right shall not be abridged.
- E. While the Commerce Clause in the U.S. declares that "The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." The power to regulate commerce within the sovereign borders of Louisiana were never delegated to the federal government; therefore, only the state of Louisiana can regulate the intrastate commerce in Louisiana.
- F. It is declared by the legislature that basic materials, such as unmachined steel and unshaped wood, are not firearms, firearms' accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearms' accessories, and ammunition under interstate commerce as if they were actually firearms, firearms' accessories, or ammunition.
- G. The authority of congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearms' accessories, and ammunition made in Louisiana from those materials. Firearms' accessories that are imported into Louisiana from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in Louisiana.

Proposed law provides for the following definitions:

- (1) "Firearms' accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, ammunition carriers, and lights for target illumination.
- (2) "Generic and insignificant parts," include but is not limited, to springs, screws, nuts, and pins.
- (3) "Manufactured" means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness, including but not limited to forging, casting, machining, or other processes for working materials.

Proposed law provides that a personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in Louisiana and that remains within the borders of Louisiana is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce. It is declared by the legislature that those items have not traveled in interstate commerce.

Proposed law provides that generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearms' accessories, or ammunition, and their importation into Louisiana and incorporation into a firearm, a firearm accessory, or ammunition manufactured in Louisiana does not subject the firearm, firearm accessory, or ammunition to federal regulation

Proposed law provides for the following exceptions:

- A. A firearm that cannot be carried and used by one person.
- B. A firearm that has a bore diameter greater than 1½ inches and that uses smokeless powder, not black powder, as a propellant.
- C. Ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm.
- D. Other than shotguns, a firearm that discharges two or more projectiles with one activation of the trigger or other firing device.

Proposed law provides that the firearm must be stamped "Made in Louisiana."

Proposed law provides that this Section applies to a firearm, a firearm accessory, or ammunition that is manufactured in Louisiana from basic materials and that can be manufactured without the inclusion of any significant parts from another state.

Proposed law provides that this shall apply to firearms, firearms' accessories, and ammunition that are manufactured in Louisiana and is retained in Louisiana after August 15, 2010.

Effective August 15, 2010.

(Adds R.S. 40:1796.1)