Regular Session, 2013

HOUSE BILL NO. 5

BY REPRESENTATIVES JIM MORRIS, GAROFALO, GEYMANN, HAVARD, LAMBERT, POPE, AND THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/FIREARMS: Prohibits the enforcement of federal restrictions regarding the ownership or possession of semi-automatic firearms

AN ACT

To enact Part V of Chapter 9 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1821 through 1825, relative to the regulation of firearms; to prohibit the enforcement of any federal law in the state of Louisiana which attempts to either ban the ownership or possession of certain types of firearms, or impose registration requirements for such firearms; to provide for criminal penalties; to provide for duties of the attorney general; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part V of Chapter 9 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1821 through 1825, is hereby enacted to read as follows:

<u>§1821. Short title</u>

<u>This Part shall be known and may be cited as the "Louisiana Preservation of Individual Gun Rights of Citizens Act".</u>

<u>§1822. Legislative findings</u>

<u>The Louisiana Legislature hereby finds and declares that the right to keep and bear arms is constitutionally protected by both the federal and state constitutions. The provisions of this Part are designed to preserve those rights for Louisiana citizens.</u>

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

§1823. Federal law or rule invalid in Louisiana

A. Any federal law, rule, regulation, or executive order adopted or enacted on or after January 1, 2013, shall be unenforceable within the borders of the state of Louisiana if the law, rule, regulation, or executive order attempts to do any of the following:

(1) Ban or restrict the ownership or possession of a semi-automatic firearm, or any magazine, accessory, or ammunition for a semi-automatic firearm, as defined by federal law.

(2) Require that any semi-automatic firearm, magazine, accessory, or ammunition for a semi-automatic firearm be registered in any manner.

B. The provisions of this Section shall only apply to semi-automatic firearms, magazines, accessories, and ammunition for such firearms which are owned or possessed within the state of Louisiana and remain exclusively within the borders of the state of Louisiana.

§1824. Enforcement prohibition; penalties

A. It shall be unlawful for any official, agent, or employee of the United States government to enforce or attempt to enforce a federal law, rule, regulation, or executive order which is unenforceable as provided in R.S. 40:1823.

B. Whoever violates the provisions of this Section shall be fined not more than five thousand dollars, imprisoned with or without hard labor for not more than two years, or both.

§1825. Attorney general

The office of the attorney general of the state of Louisiana shall defend any Louisiana citizen who is charged with possession or ownership of a semi-automatic firearm, magazine, accessory, or ammunition for such firearm in violation of any federal law, rule, regulation, or executive order which is unenforceable as provided in R.S. 40:1823.

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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)]

Jim Morris HB No. 5

Abstract: Provides that federal laws, rules, regulations, or executive orders banning or restricting semi-automatic firearms are not enforceable in La.

Proposed law provides that any federal law, rule, regulation, or executive order adopted or enacted on or after Jan. 1, 2013, shall be unenforceable within the borders of the state of La. if the law, rule, regulation, or executive order attempts to do any of the following:

(1) Ban or restrict the ownership of a semi-automatic firearm, magazine, accessory, or ammunition for a firearm, as defined by federal law.

(2) Require that any semi-automatic firearm, magazine, accessory, or ammunition be registered in any manner.

Provides that proposed law only applies to semi-automatic firearms, magazines, accessories, and ammunition which are owned or possessed within the state of La. and remain exclusively within the borders of the state of La.

Proposed law creates criminal penalties for the enforcement or attempted enforcement of an unenforceable federal law, rule, regulation, or executive order, including a fine of not more than $5,000, imprisonment for not more than two years, or both.

Proposed law requires the attorney general to defend a La. citizen charged with the ownership or possession of a semi-automatic firearm, magazine, accessory, or ammunition in violation of federal law.

(Adds R.S. 40:1821-1825)

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