

Regular Session, 2013

HOUSE BILL NO. 5

BY REPRESENTATIVES JIM MORRIS, ADAMS, HENRY BURNS, TIM BURNS, CARMODY, DOVE, GAROFALO, GEYMANN, GREENE, GUINN, HARRISON, HAVARD, HODGES, HOFFMANN, LAMBERT, LORUSSO, MACK, POPE, PYLANT, SEABAUGH, TALBOT, 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

1 AN ACT

2 To enact Part V of Chapter 9 of Title 40 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 40:1821 through 1824, relative to the regulation of firearms; to  
4 prohibit the enforcement of any federal law in the state of Louisiana which attempts  
5 to either ban the ownership or possession of certain types of firearms, or impose  
6 registration requirements for such firearms; to provide for criminal penalties; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part V of Chapter 9 of Title 40 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 40:1821 through 1824, is hereby enacted to read as follows:

11 §1821. Short title

12 This Part shall be known and may be cited as the "Louisiana Preservation of  
13 Individual Gun Rights of Citizens Act".

14 §1822. Legislative findings

15 The Louisiana Legislature hereby finds and declares that the right to keep and  
16 bear arms is constitutionally protected by both the federal and state constitutions.

1        The provisions of this Part are designed to preserve those rights for Louisiana  
2        citizens.

3        §1823. Federal law or rule invalid in Louisiana

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

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

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

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

17        §1824. Enforcement prohibition; penalties

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

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

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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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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 applies only to semi-automatic firearms, magazines, accessories, and ammunition that 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.

(Adds R.S. 40:1821-1824)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Deleted provisions requiring the attorney general to defend La. citizens charged with a violation of certain federal laws, rules, regulations, or executive orders.

House Floor Amendments to the engrossed bill.

1. Added bureau amendments only.