
DIGEST

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Lopinto

HB No. 45

Abstract: Provides for the licensure of persons to sell or manufacture firearms, firearm accessories, and ammunition manufactured in the state of La., and provides that the selling or manufacturing of such items are not subject to federal regulation.

Present federal law provides for the regulation of the sale of firearms and firearm accessories. Art. I, §8 of the U.S. Constitution also provides that congress has the authority to regulate interstate commerce.

Proposed law establishes an alternative regulatory scheme for the manufacture of firearms, firearm accessories, and ammunition within the boundaries of the state of La.

Proposed law provides that firearms, firearm accessories, and ammunition manufactured in the state of La. and which remain within the borders of La. are not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce.

Proposed law provides definitions including "key firearm components", "La. firearms dealer", "Louisiana firearms manufacturer", "La. manufactured", "La. manufactured ammunition", "La. manufactured firearm", "La. manufactured firearm accessories", "La. manufacturing firearms facility", and "non-key firearm components".

Proposed law establishes qualifications and criteria for the issuance of a license to sell (dealer's license) La. manufactured firearms, firearm accessories, and ammunition.

Proposed law provides that DPS&C shall not be required to issue a license to sell Louisiana manufactured firearms, accessories, or ammunition until it has issued a manufacturing license.

Proposed law establishes the qualifications and criteria for the issuance of a license to manufacture La. manufactured firearms, firearm accessories, and ammunition. Further provides for the inspection of the manufacturing facility.

Provides that DPS&C may establish rules for the implementation of proposed law.

Proposed law requires dealers and manufacturers to maintain records of the manufacture, shipment, receipt, sale, or other disposition of La. manufactured firearms, firearm accessories, and ammunition.

Proposed law authorizes DPS&C to assess a fee not to exceed \$1,000 for a manufacturer's license and a fee not to exceed \$200 for a dealer's license. Proposed law also creates the La. Manufactured Firearms and Ammunition Fund and provides for the administration and use of the fund.

Proposed law requires that all La. manufactured firearms be identified and stamped "made in La".

Provides that proposed law shall not be construed to require a federally licensed firearms manufacturer domiciled in Louisiana to obtain a Louisiana manufactured firearms license unless the applicant wants to avail itself of the provisions of proposed law.

Present federal law provides that in order for a person to purchase a firearm, a Federal Firearms Licensee shall submit the name of the prospective buyer to the National Instant Criminal Background Check System (NCIS) maintained by the FBI.

Proposed law creates an alternative background check procedure which originates with state police and provides for access to NCIS.

Proposed law establishes criteria for the purchase of a La. manufactured firearm.

Provides for the seizure and forfeiture of La. manufactured firearms which are purchased or manufactured in violation of proposed law.

Proposed law provides for appeals of decisions of the department to the 19th JDC.

(Adds R.S. 40:1821-1833)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added that rules adopted pursuant to proposed law are subject to legislative oversight by the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary C.
2. Added that the department does not have to issue a license to sell Louisiana manufactured firearms, accessories, or ammunition until it has issued a manufacturer's license.
3. Added provision that proposed law shall not be construed to require a federally licensed firearms manufacturer domiciled in Louisiana to obtain a Louisiana manufactured firearms license unless the applicant wants to avail itself of the provisions of proposed law.
4. Defined "Louisiana firearms manufacturer".