
DIGEST

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HB 331 Engrossed

2023 Regular Session

Carrier

Abstract: Provides relative to the manufacture, transfer, or possession of automatic weapons.

Present law (R.S. 40:1751) provides for the definition of the term "machine gun" and defines the term to mean all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device.

Proposed law amends present law to define the term "machine gun" to mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger.

Proposed law further provides that the term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.

Proposed law further provides that the term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the ATF.

Present law (R.S. 40:1752) provides for the unlawful handling of machine guns and further provides that no person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within La.

Present law further provides for exceptions to this prohibition.

Proposed law amends present law to prohibit the manufacture, transfer, or possession of machine guns. Further provides that no person shall manufacture, transfer, or possess a machine gun within La.

Proposed law does not apply to any of the following:

- (1) A transfer to or from, or possession by or under the authority of, the U.S. or any department or agency thereof.
- (2) A transfer to or from, or possession by or under the authority of, any state of the U.S. or a department, agency, or political subdivision thereof.

(3) Any machine gun that is lawfully manufactured, transferred, or possessed under federal law.

Present law (R.S. 40:1753) provides for the transfer of machine guns in certain cases.

Proposed law repeals present law.

Present law (R.S. 40:1754) provides for registers of machine guns and inspections of those registers.

Proposed law repeals present law.

Present law (R.S. 40:1755(A) and (B)) provides for a penalty of imprisonment at hard labor for not less than one year nor more than 10 years for any manufacturer who:

- (1) Passes possession of or delivers a machine gun to any person in violation of present law (R.S. 40:1753).
- (2) Fails to keep an accurate register, as required in present law (R.S. 40:1754).
- (3) Fails to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of present law (R.S. 40:1753).

Proposed law repeals present law (R.S. 40:1755(A)), but retains present law (R.S. 40:1755(B)) which provides a penalty of imprisonment at hard labor for not less than one year nor more than 10 years.

Present law (R.S. 40:1755(C)) provides that whoever, having been convicted of murder, armed or simple robbery, aggravated or simple burglary, or aggravated battery, or an attempt to commit any one of those crimes, thereafter violates any of the provisions of present law shall be imprisoned at hard labor for not less than three years nor more than 10 years.

Proposed law retains present law regarding the penalty, but amends present law to provide that any person who has been convicted of, or found not guilty by reason of insanity for, a crime of violence as defined in present law (R.S. 14:2(B)) which is a felony, or an attempt to commit any crime of violence as defined in present law (R.S. 14:2(B)) which is a felony, who thereafter violates any of the provisions of present law (R.S. 40:1752) shall be imprisoned at hard labor for not less than three nor more than 10 years.

Present law (R.S. 40:1781) provides for definitions for various terms, including "firearm" and "machine gun".

Proposed law amends the present law definition of "firearm" to remove flame throwers.

Proposed law amends the present law definition of "machine gun" to mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading by a single function of the trigger.

Proposed law further provides that the term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.

Proposed law further provides that the term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the ATF.

(Amends R.S. 40:1751, 1752, 1755, and 1781(3) and (5); Repeals R.S. 40:1753 and 1754)