

Regular Session, 2014

SENATE BILL NO. 676

BY SENATOR RISER

WEAPONS. Provides relative to firearm suppressors. (8/1/14)

AN ACT

To enact R.S. 40:1789.1, relative to the possession and transfer of certain firearms; to provide relative to the issuance of firearm suppressor certifications; to require the chief law enforcement officer to take action on applications for weapon transfers within a specified time period; to provide for definitions; to provide for immunity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1789.1 is hereby enacted to read as follows:

§1789.1. Chief law enforcement officer certification; firearm suppressors

A. When a chief law enforcement officer's certification is required by federal law or regulation for the transfer or making of a firearm suppressor, the chief law enforcement officer shall, within fifteen days of receipt of a request for certification, provide such certification if the applicant is not prohibited by law from possessing a firearm suppressor or is not the subject of proceeding that could result in the applicant being prohibited by law from receiving or possessing a firearm suppressor. If the chief law enforcement officer is unable to make a certification as required by this Section, he shall provide the

1 applicant a written notification of the denial and the reason for this
2 determination.

3 **B. For purposes of this Section:**

4 (1) "Certification" means the participation and assent of the chief law
5 enforcement officer necessary under federal law for the approval of the
6 application to transfer or make a firearm or suppressor. A chief law
7 enforcement officer is not required to make any certification under this Section
8 he knows to be untrue, but he may not refuse to provide certification based on
9 a generalized objection to private persons or entities making, possessing, or
10 receiving firearms or any certain type of firearm the possession of which is not
11 prohibited by law.

12 (2) "Chief law enforcement officer" means the sheriff or chief law
13 enforcement officer having jurisdiction where the applicant to transfer or make
14 the firearm suppressor resides.

15 (3) "Firearm suppressor" has the same meaning as "firearm silencer"
16 and "firearm muffler" as provided in 18 U.S.C. 921(a)(24).

17 **C. Chief law enforcement officers and their employees who act in good**
18 **faith shall be immune from liability arising from any act or omission in making**
19 **a certification as required by this Section.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cathy Wells.

DIGEST

Riser (SB 676)

Present federal law provisions (26 U.S.C. 5812) and regulations of the Federal Bureau of Alcohol Tobacco and Firearms (ATF Form 4) require both federal and local law enforcement approval as part of the federal requirements to transfer a firearm.

Present federal law (18 U.S.C. 921(a)(24)) defines "firearm silencer" and "firearm muffler" as any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

Proposed law retains present law and requires law enforcement to act upon applications for making of a firearm suppressor weapons transfers within 15 days of receipt of the request, provide such certification if the applicant is not prohibited by law from possessing the

firearm suppressor or is not the subject of proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm suppressor by either completing the certification or by providing written notice that the certification is denied.

Proposed law provides for immunity for the sheriff or chief law enforcement officer or his employees who act in good faith from any act or omission in making a certification as provided in proposed law.

Effective August 1, 2014.

(Adds R.S. 40:1789.1)