

2018 Regular Session

SENATE BILL NO. 274

BY SENATOR CARTER

WEAPONS. Prohibits sale of assault weapons to any person under the age of twenty-one.  
(8/1/18)

1 AN ACT

2 To amend and reenact R.S. 14:91, relative to unlawful sales of weapons to minors; to  
3 provide relative to sales of assault weapons to persons under the age of twenty-one;  
4 to provide with respect to fines and penalties; to provide for definitions; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:91 is hereby amended and reenacted to read as follows:

8 §91. Unlawful sales of weapons to minors

9 A. Unlawful sales of weapons to minors is the selling or otherwise delivering  
10 for value of any firearm, **assault weapon**, or other instrumentality customarily used  
11 as a dangerous weapon to any person under the age of ~~eighteen~~ **twenty-one**. Lack of  
12 knowledge of the minor's age shall not be a defense.

13 B. Whoever commits the crime of unlawful sales of weapons to minors shall  
14 be fined not more than ~~three hundred~~ **one thousand** dollars or imprisoned for not  
15 more than ~~six~~ **twelve** months, or both.

16 **C. For the purposes of this Section, "Assault weapon" means any of the**  
17 **following:**

1                   (1) Any pistol that is capable of accepting a detachable magazine at any  
2                   location outside of the pistol grip.

3                   (2) Any semiautomatic pistol, or any semiautomatic center-fire rifle, with  
4                   a fixed magazine that has the capacity to accept more than ten rounds of  
5                   ammunition.

6                   (3) Any shotgun capable of accepting a detachable magazine.

7                   (4) Any shotgun with a revolving cylinder magazine.

8                   (5) Any semiautomatic or pump-action rifle or semiautomatic pistol that  
9                   is capable of accepting a detachable magazine and that also possesses any of the  
10                  following:

11                  (a) If the firearm is a rifle, a pistol grip located behind the trigger.

12                  (b) If the firearm is a rifle, a stock in any configuration, including but not  
13                  limited to a thumbhole stock, a folding stock, or a telescoping stock, that allows  
14                  the bearer of the firearm to grasp the firearm with the trigger hand such that  
15                  the web of the trigger hand, between the thumb and forefinger, can be placed  
16                  below the top of the external portion of the trigger during firing.

17                  (c) If the firearm is a pistol, a shoulder stock of any type or  
18                  configuration, including but not limited to a folding stock or a telescoping stock.

19                  (d) A barrel shroud.

20                  (e) A muzzle brake or muzzle compensator.

21                  (f) Any feature designed to be capable of functioning as a protruding  
22                  grip that can be held by the hand that is not the trigger hand, excluding any  
23                  extension of the stock along the bottom of the barrel that does not substantially  
24                  or completely encircle the barrel.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Angela L. De Jean.

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Present law provides that unlawful sales of weapons to minors is the selling or otherwise delivering for value of any firearm or other instrumentality customarily used as a dangerous weapon to any person under the age of 18.

Proposed law provides that unlawful sales of weapons to minors is the selling or otherwise delivering for value of any firearm, assault weapon, or other instrumentality customarily used as a dangerous weapon to any person under the age of 21.

Present law provides that lack of knowledge of the minor's age shall not be a defense. Proposed law retains present law.

Present law provides that whoever commits the crime of unlawful sales of weapons to minors shall be fined not more than \$300 or imprisoned for not more than six months, or both.

Proposed law provides that whoever commits the crime of unlawful sales of weapons to minors shall be fined not more than \$1,000.00 or imprisoned for not more than 12 months, or both.

Proposed law defines "Assault weapon" as any of the following:

- (1) Any pistol that is capable of accepting a detachable magazine at any location outside of the pistol grip.
- (2) Any semiautomatic pistol, or any semiautomatic center-fire rifle, with a fixed magazine that has the capacity to accept more than ten rounds of ammunition.
- (3) Any shotgun capable of accepting a detachable magazine.
- (4) Any shotgun with a revolving cylinder magazine.
- (5) Any semiautomatic or pump-action rifle or semiautomatic pistol that is capable of accepting a detachable magazine and that also possesses any of the following:
  - (a) If the firearm is a rifle, a pistol grip located behind the trigger.
  - (b) If the firearm is a rifle, a stock in any configuration, including but not limited to a thumbhole stock, a folding stock, or a telescoping stock, that allows the bearer of the firearm to grasp the firearm with the trigger hand such that the web of the trigger hand, between the thumb and forefinger, can be placed below the top of the external portion of the trigger during firing.
  - (c) If the firearm is a pistol, a shoulder stock of any type or configuration, including but not limited to a folding stock or a telescoping stock.
  - (d) A barrel shroud.
  - (e) A muzzle brake or muzzle compensator.
  - (f) Any feature designed to be capable of functioning as a protruding grip that can be held by the hand that is not the trigger hand, excluding any extension of the stock along the bottom of the barrel that does not substantially or completely encircle the barrel.

Effective August 1, 2018.

(Amends R.S. 14:91)