
DIGEST

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HB 865 Original

2020 Regular Session

Amedee

Abstract: Provides relative to the authority to regulate the manufacture, sale, and possession of firearms or ammunition during a declared emergency or disaster.

Present law authorizes the governor (R.S. 29:724), the parish president (R.S. 29:727), the chief executive officer of a municipality (R.S. 29:737), and the chief law enforcement officer of the political subdivision (R.S. 14:329.6) during a declared emergency to suspend or limit the sale, dispensing, or transportation of firearms or combustibles. Present law (R.S. 29:730.3) further authorizes the governor and the parish president during a declared disaster or emergency to issue a proclamation for evacuation or for the imposition of a curfew which may include the regulation and control of the possession, storage, display, sale, transport, and use of firearms and other dangerous weapons and ammunition.

Proposed law removes the authority of the governor, the parish president, the chief executive officer of a municipality, and the chief law enforcement officer of the political subdivision from regulating the sale, dispensing, or transportation of firearms, and provides that the authority to regulate the sale, dispensing, or transportation of combustibles does not apply to those component parts of ammunition.

Proposed law removes the authority for a proclamation for the imposition of a curfew to include the regulation and control of the possession, storage, display, sale, transport, and use of firearms and other dangerous weapons and ammunition.

Present law (R.S. 14:329.6 and R.S. 29:738) provides that the emergency powers of these individuals do not authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition. However, present law provides that a peace officer who is acting in the lawful discharge of the officer's official duties may disarm an individual if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual.

Proposed law retains present law and adds that nothing in present or proposed law prohibits firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers from operating or conducting business during a declared disaster or emergency.

(Amends R.S. 14:329.6(C) and (G) and R.S. 29:724(D)(6), 727(F)(8), 730.3(F), and 737(B)(7); Adds R.S. 14:329.6(H)(3) and R.S. 29:738(C); Repeals R.S. 14:329.6(A)(6))