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## DIGEST

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HB 781 Engrossed

2020 Regular Session

Miguez

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

Present law authorizes the governor (R.S. 29:724 and 766), 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, disaster, or public health 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 authorizes the governor (R.S. 29:724 and 766) and parish presidents (R.S. 29:727), subject to applicable requirements for compensation, to commandeer or utilize any private property if he finds this necessary to cope with the disaster, emergency, or public health emergency.

Proposed law retains present law but provides that for these purposes private property does not include firearms, ammunition, or components of firearms or 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, as provided in the present constitution, the right of each citizen to keep and bear arms is fundamental and shall not be infringed, and further provides that firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers are essential businesses and operations for purposes of safety and security and shall not be prohibited or restricted from operating or conducting business during a declared disaster or emergency.

Proposed law further provides that the present law (R.S. 29:738) provisions prohibiting the seizure of lawfully possessed firearms or ammunition, and the authority of law enforcement to disarm individuals under certain circumstances, during a declared emergency or disaster shall apply also to declared public health emergencies.

(Amends R.S. 14:329.6(C), (G), and (H)(1) and R.S. 29:724(D)(4) and (6), 727(F)(4) and (8), 730.3(F), 737(B)(7), 738(A), 766(D)(4) and (8), and 772; Adds R.S. 14:329.6(H)(3) and R.S. 29:738(C); Repeals R.S. 14:329.6(A)(6))

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add that the governor's and parish president's authority to commandeer or utilize private property during a declared disaster or emergency or public health emergency does not apply to firearms, ammunition, or components of firearms or ammunition.
2. With regard to declared public health emergencies, remove the governor's authority to suspend or limit the sale, dispensing, or transportation of firearms and provide that the governor's authority to suspend or limit the sale, dispensing, or transportation of explosives and combustibles does not apply to components of firearms ammunition.
3. Provide that present law provisions prohibiting the seizure of lawfully possessed firearms or ammunition during a declared emergency or disaster shall apply also to declared public health emergencies.