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

DIGEST 2023 Regular Session

Harris

Present law provides for the following definitions:

SB 165 Original

- (1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.
- (2) "Department" means the Department of Public Safety.
- (3) "Firearm" means a shotgun having a barrel of less than 18 inches in length; a rifle having a barrel of less than 16 inches in length; any weapon made from either a rifle or a shotgun if said weapon has been modified to have an overall length of less than 26 inches; any other firearm, pistol, revolver, or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun, grenade launcher, flame thrower, bazooka, rocket launcher, excluding black powder weapons, or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this Paragraph as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.
- (4) "Importer" means any person who imports or brings into the state any firearm.
- (5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.
- (6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.
- (7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in present law.
- (8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

<u>Proposed law</u> retains <u>present law</u> and defines "disguised" as designed to appear to be a toy, with intent to deceive, where the barrel tip has been painted or wrapped in a red or orange color.

<u>Present law</u> provides for elements of the crime of possession of unidentifiable firearm, particular penalties, and identification of source of firearm.

<u>Proposed law</u> retains <u>present law</u> and prohibits a person from intentionally receiving, possessing, carrying, concealing, buying, selling, or transporting any firearm that has been disguised.

<u>Present law</u> provides that whoever violates the provisions of <u>present law</u> may be fined not more than \$1000 and must be imprisoned at hard labor for five years without benefit of probation, parole, or suspension of sentence.

<u>Proposed law</u> retains <u>present law</u> and authorizes a fine of not less than \$1,000 nor more than \$5,000 and mandates imprisonment at hard labor for not less than two nor more than 20 years without benefit of probation, parole, or suspension of sentence for whoever violates <u>proposed law</u>.

<u>Proposed law</u> requires that the provisions of <u>proposed law</u> be known and cited as the "Marcus McNeil Act" in honor of the New Orleans Police Officer who died in the line of duty.

Effective August 1, 2023.

(Amends R.S. 40:1781(3)-(8) and 1792(B)-(F); adds R.S. 40:1781(9) and 1792(G) and (H))