

2022 Regular Session

HOUSE BILL NO. 260

BY REPRESENTATIVES MAGEE AND GREEN

WEAPONS/FIREARMS: Provides relative to a firearm hold agreement

1 AN ACT

2 To enact R.S. 40:1800, relative to firearms; to provide for definitions; to provide for
3 limitation of liability; to provide for an exception; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 40:1800 is hereby enacted to read as follows:

6 §1800. Firearms; hold agreements; limitation of liability

7 A. For the purposes of this Section:

8 (1) "Federal firearms licensee" means any person licensed pursuant to
9 Chapter 44 of Title 18 of the United States Code.

10 (2) "Firearm" means an instrument as defined in 18 U.S.C. 921, R.S. 14:37.4,
11 R.S. 14:95.1, or R.S. 40:1781.

12 (3) "Firearm hold agreement" means a private transaction between a federal
13 firearms licensee and an individual firearm owner where the licensee takes physical
14 possession of the owner's lawfully possessed firearm at the owner's request, holds
15 the firearm for an agreed period of time, and returns the firearm to the owner
16 according to the terms of the transaction.

17 B.(1) No person shall have a cause of action against a federal firearms
18 licensee operating lawfully in the state of Louisiana for any act or omission arising
19 from a firearm hold agreement and resulting in personal injury or death of any

1 natural person, including the return of any firearms to the individual firearm owner
 2 by a federal firearms licensee at the termination of a firearm hold agreement.

3 (2) The immunity from civil liability provided in Paragraph (1) of this
 4 Subsection shall not apply to any action arising from a firearm hold agreement if
 5 such action was the result of otherwise unlawful conduct on the part of the licensee.

6 (3) This Section shall not apply to firearm transfers pursuant to the Domestic
 7 Violence Prevention Firearm Transfer as provided in Title XXXV of the Code of
 8 Criminal Procedure.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 260 Reengrossed

2022 Regular Session

Magee

Abstract: Establishes firearm hold agreements, and provides immunity from civil liability for federal firearms licensees who enter into such agreements.

Proposed law provides definitions for "federal firearms licensee", "firearm", and "firearm hold agreement".

Proposed law provides that no person shall have a cause of action against a federal firearms licensee operating lawfully in this state for any act or omission arising from or subsequent to a firearm hold agreement, including the return of any firearms to the individual firearm owner by the licensee, and resulting in personal injury or death of any natural person.

Proposed law provides that the immunity from civil liability provided in proposed law shall not apply to any action arising from a firearm hold agreement if such action was the result of otherwise unlawful conduct on the part of the licensee.

Proposed law provides that proposed law shall not apply to firearm transfers pursuant to the Domestic Violence Prevention Firearm Transfer.

(Adds R.S. 40:1800)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Change the definition of "federal firearms licensee".
2. Add a definition of "firearm".
3. Add immunity for the return of any firearms to an individual firearm owner by a federal firearms licensee at when the agreement terminates.
4. Rephrase "limitation of liability" to "immunity from civil liability".

5. Make technical amendments.

The House Floor Amendments to the engrossed bill:

1. Create an exemption for firearm transfers pursuant to the Domestic Violence Prevention Firearm Transfer.
2. Make technical amendments.