

RÉSUMÉ DIGEST

ACT 120 (HB 331)

2023 Regular Session

Carrier

Existing law provides for the definition of the term "machine gun" and defines the term to mean all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device.

New law amends existing law to define the term "machine gun" to mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger.

New law further provides that the term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.

New law further provides that the term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the ATF.

Existing law provides for the unlawful handling of machine guns and further provides that no person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within La.

Existing law further provides for exceptions to this prohibition.

New law amends existing law to prohibit the manufacture, transfer, or possession of machine guns. Further provides that no person shall manufacture, transfer, or possess a machine gun within La.

New law does not apply to any of the following:

- (1) A transfer to or from, or possession by or under the authority of, the U.S. or any department or agency thereof.
- (2) A transfer to or from, or possession by or under the authority of, any state of the U.S. or a department, agency, or political subdivision thereof.
- (3) Any machine gun that is lawfully manufactured, transferred, or possessed under federal law.

Existing law provides for the transfer of machine guns in certain cases.

New law repeals existing law.

Existing law provides for registers of machine guns and inspections of those registers.

New law repeals existing law.

Existing law provides for a penalty of imprisonment at hard labor for not less than one year nor more than 10 years for any manufacturer who:

- (1) Passes possession of or delivers a machine gun to any person in violation of existing law.
- (2) Fails to keep an accurate register, as required in existing law.
- (3) Fails to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of existing law.

New law repeals existing law, but retains existing law which provides a penalty of imprisonment at hard labor for not less than one year nor more than 10 years.

Existing law provides that whoever, having been convicted of murder, armed or simple robbery, aggravated or simple burglary, or aggravated battery, or an attempt to commit any one of those crimes, thereafter violates any of the provisions of existing law shall be imprisoned at hard labor for not less than three years nor more than 10 years.

New law retains existing law regarding the penalty, but amends existing law to provide that any person who has been convicted of, or found not guilty by reason of insanity for, a crime of violence as defined in existing law which is a felony, or an attempt to commit any crime of violence as defined in existing law which is a felony, who thereafter violates any of the provisions of existing law shall be imprisoned at hard labor for not less than three nor more than 10 years.

Existing law provides for definitions for various terms, including "firearm" and "machine gun".

New law amends the existing law definition of "firearm" to remove flame throwers.

New law amends the existing law definition of "machine gun" to mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading by a single function of the trigger.

New law further provides that the term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.

New law further provides that the term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the ATF.

Effective August 1, 2023.

(Amends R.S. 40:1751, 1752, 1755, and 1781(3) and (5); Repeals R.S. 40:1753 and 1754)