

2024 Regular Session

SENATE BILL NO. 194

BY SENATOR MIGUEZ

WEAPONS. Provides for the preemption of state law for firearms. (8/1/24)

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AN ACT

To amend and reenact R.S. 40:1796, relative to preemption of state law; to provide relative to the regulation of firearms; to provide with respect to the authority of political subdivisions to regulate the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms or ammunition; to provide relative to remedies; to provide relative to terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1796 is hereby amended and reenacted to read as follows:

§1796. Preemption of state law

A. No governing authority of a political subdivision shall enact ~~after July 15, 1985,~~ **or enforce** any ordinance, ~~order,~~ **or** regulation, **policy, procedure, rule or any other form of executive or legislative action** more restrictive than state law concerning in any way the **manufacture,** sale, purchase, possession, **carrying,** **storage,** ownership, **taxation,** transfer, transportation, license, or registration of firearms, ammunition, ~~or~~ components of firearms or ammunition, **firearms accessories, knives, edged weapons, or any combination thereof.** ~~; however, this~~

1 Section shall not apply to the levy and collection of sales and use taxes, license fees
2 and taxes and permit fees, nor shall it affect the authority of political subdivisions to
3 prohibit the possession of a weapon or firearm in the commercial establishments and
4 public buildings enumerated in R.S. 40:1379.3(N). Any existing ordinance, order,
5 regulation, policy, procedure, rule or any other form of executive or legislative
6 action in violation of this Subsection shall be null and void, and of no effect.

7 B. A political subdivision shall repeal, rescind, or amend to conform, any
8 ordinance, order, regulation, policy, procedure, rule, or any other form of
9 executive or legislative action in violation of this Section within six months after
10 August 1, 2024.

11 C. A person or an organization whose membership is adversely affected
12 by any ordinance, order, regulation, policy, procedure, rule, or any other form
13 of executive or legislative action promulgated or caused to be enforced in
14 violation of this Section may file suit against an offending political subdivision
15 in any court of this state having jurisdiction for declaratory and injunctive relief.
16 A court shall award a prevailing plaintiff in any such suit:

17 (1) Reasonable attorney fees and costs; and

18 (2) Expert witness fees and expenses.

19 ~~B.D.~~ Nothing in this Section shall prohibit a local governing authority in a
20 high-risk area from developing a plan with federally licensed firearms
21 manufacturers, dealers, or importers to secure the inventory of firearms and
22 ammunition of those licensees in order to prevent looting of the licensee's premises
23 during a declared state of emergency or disaster. Such plan shall be renewed on a
24 periodic basis. The information contained in the plan shall be deemed security
25 procedures as defined in R.S. 44:3.1 and shall be released only to the sheriffs of the
26 parishes or police chiefs of municipalities in which the declared state of emergency
27 or disaster exists.

28 ~~E.~~ For the purposes of this Section:

29 (1) "Declared emergency or disaster" means an emergency or disaster

1 declared by the governor or parish president pursuant to the provisions of the
2 Louisiana Homeland Security and Emergency Assistance and Disaster Act.

3 (2) "High-risk area" means the parishes of Assumption, Calcasieu, Cameron,
4 Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St.
5 James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and
6 Vermilion.

7 **F. This Section shall not apply to the levy and collection of sales and use**
8 **taxes, license fees and taxes and permit fees, nor shall it affect the authority of**
9 **political subdivisions to prohibit the possession of a weapon or firearm in the**
10 **commercial establishments and public buildings enumerated in R.S.**
11 **40:1379.3(N).**

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

SB 194 Reengrossed

2024 Regular Session

Miguez

Present law (R.S. 40:1796) provides preemption of state law relative to the regulation of firearms.

Present law limits a political subdivision's authority to enact certain ordinances or regulations involving firearms. In this regard, present law prohibits a governing authority of a political subdivision from enacting any ordinance or regulation that is more restrictive than state law concerning the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition.

Proposed law prohibits a governing authority from enforcing any ordinance, order, regulation, policy, procedure, rule or any other form of executive or legislative action more restrictive than state law concerning in any way the manufacture, sale, purchase, possession, carrying, storage, ownership, taxation, transfer, transportation, license, or registration of firearms, ammunition, components of firearms or ammunition, firearms accessories, knives, edged weapons, or any combination thereof.

Present law specifies that present law does not apply to the levy and collection of sales and use taxes, license fees, and taxes and permit fees. Further provides that present law does not apply to the authority of political subdivisions to prohibit the possession of a weapon or firearm in certain commercial establishments and public buildings as enumerated in present law.

Proposed law changes the present law prohibition of a political subdivision's authority to enact certain ordinances or regulations involving firearms from being applicable only to those ordinances and regulations enacted after July 15, 1985, to be applicable to any ordinance, rule, and regulation enacted or enforced.

Proposed law specifies that any existing ordinance, rule, or regulation shall be null and void,

and of no effect.

Proposed law provides that a political subdivision shall repeal, rescind, or amend to conform, any ordinance, order, regulation, policy, procedure, rule, or any other form of executive or legislative action in violation of proposed law within six months after August 1, 2024.

Proposed law provides that a person or an organization whose membership is adversely affected by any ordinance, order, regulation, policy, procedure, rule, or any other form of executive or legislative action promulgated or caused to be enforced in violation of proposed law may file suit against an offending political subdivision in any court of this state having jurisdiction for declaratory and injunctive relief. A court shall award a prevailing plaintiff in any such suit:

- (1) Reasonable attorney fees and costs; and
- (2) Expert witness fees and expenses.

Effective August 1, 2024.

(Amends R.S. 40:1796)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Make technical changes.