

RÉSUMÉ DIGEST

ACT 585 (SB 301)

2024 Regular Session

Miguez

New law provides for the "The Second Amendment Financial Privacy Act".

New law defines terms and provides that except for those records kept during the regular course of a criminal investigation and prosecution, or as otherwise required by law, no government entity or official, and no agent or employee of a governmental entity shall knowingly keep or cause to be kept any list, record, or registry of privately owned firearms or the owners of those firearms.

New law provides that no payment card network shall require the assignment of a firearms code in a way that distinguishes a firearms retailer from other retailers.

New law provides that the attorney general shall investigate reasonable allegations that a person or entity, including a government entity, has violated new law and, upon finding violation, provide written notice to the person or entity believed to have committed the violation.

New law provides that if a person or entity does not cease the violation within 30 business days after receiving written notice from the attorney general pursuant to new law, the attorney general shall file an action against that person or entity to seek an injunction.

New law provides that if the court finds that the person or entity violated new law and has not ceased the activity constituting the violation, the court shall enjoin the person or entity from continuing such activity and shall award attorney fees and costs.

New law provides that if a person or entity purposely fails to comply with an injunction after 30 business days of being served with the injunction, the attorney general, upon petition to the court, shall seek to impose on that person or entity a civil fine in an amount not to exceed \$1,000 per violation. Provides that in assessing the fine, the court shall consider factors, including the financial resources of the violator and the harm or risk of harm to the rights under the 2nd amendment of the U.S. Constitution and Art. I, §11 of the Constitution of Louisiana.

New law provides that any order assessing a civil fine pursuant to new law shall be stayed pending appeal of the order.

New law provides that the attorney general has exclusive authority to enforce new law and provides for the exclusive remedies for any violation of new law.

New law provides that it shall be a defense to a proceeding initiated pursuant to new law that a merchant category code was required to be permitted or assigned by law.

Effective August 1, 2024.

(Adds R.S. 51:3300-3303)